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College Relations Commission

Annual Report

1980-81



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College
Relations
Commission

Telephone 416/922-7679 111 Avenue Road
Suite 400
Toronto, Ontario
M5R 3J8

TO: The Members of the Legislative Assembly
Province of Ontario

ANNUAL REPORT 1980-81

Dear Members,

We have the honour to present the Sixth Annual Report of the College Relations Commission, covering the period from September 1, 1980 to August 31, 1981.

Sincerely

The College Relations Commission

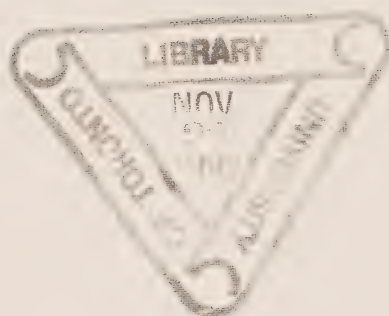


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MEMBERS OF THE COMMISSION



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Dr. Downie, (Professor, Industrial Relations and Public Policy, Queen's University) has served as a fact finder, mediator, and interest arbitrator. He has published extensively in the area of labour relations and his book, *Collective Bargaining and Conflict Resolution in Education* is considered the definitive study of collective bargaining in Ontario education.



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The College Relations Commission was established by Section 56 of The Colleges Collective Bargaining Act, 1975.

The Chief Executive Officer and Secretary of the Commission is R.H. Field. The Commission's offices are at 111 Avenue Road, Suite 400, Toronto, Ontario, Canada, M5R 3J8.

I INTRODUCTION

The College Relations Commission, established by legislation in 1975, continued to carry out its mandate, set out in the Colleges Collective Bargaining Act, to maintain an awareness of and to facilitate collective negotiations between the Ontario Council of Regents for Colleges of Applied Arts and Technology, as employer, and the Ontario Public Service Employees Union, representing the Academic and Support Staffs.

This Act gives both the Academic and Support Staff the right to strike and the Ontario Council of Regents for Colleges of Applied Arts and Technology the right to lock-out. These rights, however are regulated. For example, a strike, or lock-out under the Act is not legal until:

- a) A fact finder has met with the parties and his/her report has been made public; and
- b) A 30-day cooling off period takes place after the fact finder's report is submitted to the parties; and
- c) After the members of the employee organization have voted — by secret ballot in a supervised vote — on the last offer of the Council of Regents; and
- d) After the members of the employee organization have voted — by secret ballot in a supervised vote — to take strike action.

At anytime during the process, the parties may choose voluntary binding arbitration, or final offer selection as an alternate means of dispute resolution.

The Commission maintains its awareness of the negotiation process from the filing of an intent to negotiate by the parties, to the signing of a collective agreement. Particular attention is paid to the timing and appropriateness of appointments of fact finders, and mediators.

The conduct of votes — last offer, strike, or ratification — has assumed major importance for the Commission. This is due not only to the number of votes which have been supervised, but also to the number of members of the employee organizations, and the number of campuses involved.

Collective bargaining prospers in a climate where there is clear communication, mutual trust, and a growing awareness by the parties regarding the ongoing nature of the process. There has been an increasing effort to develop communications and other built-in procedures that are the essence of good staff relations. While the Commission is required to assist the parties, neither the legislation nor the Commission can be expected to be a panacea for all ills. The Commission is expected to remove the obstacles that confront the

parties during negotiations and to ensure that certain minimum standards of conduct prevail. The Commission provided effective third party assistance over the period and is happy to report that there were no strikes or lock-outs.

II STAFF AND FACILITIES

The Commission shares staff and facilities with the Education Relations Commission and has participated with the Education Relations Commission in the training of fact finders, mediators, arbitrators and selectors. *Therefore, for more complete picture of this year's activities, reference should be made to the Sixth Annual Report of the Education Relations Commission.*

Two training sessions were held during the reporting year for third party neutrals who will be used to assist the parties. The people who have been recruited are from a variety of backgrounds. Two are former members of labour organizations, five are former trustees or administrators, four are academics specializing in this field, and eight are lawyers with specialized training in labour-relations.

For the first time the Commission held a workshop for third parties interested in grievance mediation. This concept — the mediation of grievance disputes — has become increasingly popular in labour relations during the last few years. Specifically, there are four reasons for this increase in popularity:

Control:	Grievance Mediation allows the parties themselves to shape the settlement.
Privacy:	Grievance Mediation is an attempt to solve the grievance before it goes to an arbitration hearing.
Cost:	Grievance Mediation is generally less expensive than single arbitration or a board of arbitration.
Time:	Grievance Mediation is a method of solving disputes as close to the source and as quickly as possible.

The workshop involved an analysis of recent developments in grievance arbitration and analysis of grievance mediation models from both the public and private sectors. The purpose was to give the participants an awareness of the grievance mediation process and the unique characteristics of its application in the education sector.

As a result of the workshop, the Commission now has a cadre of people who are skilled in this process and who can be appointed as requests for this service are received from the parties.

III NEGOTIATIONS AND APPOINTMENTS

1. Support Staff

Negotiations to renew the collective agreement between the Council of Regents and the Support Staff began early in the calendar year.

In June, the Commission received a request for a fact finder from the Ontario Public Service Employees Union representing the Support Staff. This request was not opposed by the Council of Regents and as a result, the Commission appointed Ian Springate, a Vice-Chairman of the Ontario Labour Relations Board. This appointment was made under Section 9 (a) of Bill 108, The Colleges Collective Bargaining Act, 1975, which states:

The Commission shall appoint forthwith a person as a fact finder during negotiations to make or renew an agreement if the parties have not referred all matters remaining in dispute between them to an arbitrator or board of arbitration as provided in Part IV or a selector as provided in Part V and,

- a) one or both the parties gives notice to the Commission that an impasse has been reached in the negotiations and requests the appointment of a fact finder, and the Commission approves the request;

Mr. Springate's report was delivered to the parties on August 11. Two days later, Dr. Jeffery Gandz, Associate Professor, School of Business Administration, University of Western Ontario, was appointed to assist the parties.

As of August 31, 1981 — the day the collective agreement expired and the end of the reporting period — the parties were meeting with the mediator.

2. Academic Staff

As of September 1, 1980, negotiations between the Academic Staff and the Council of Regents were continuing on the basis of a wage re-opener clause contained in the 1979-80 collective agreement.

The Commission appointed Gary O'Neill, an Ottawa lawyer, as fact finder to these negotiations. The request for the appointment originated with the Academic Staff and was not opposed by the Council of Regents. Mr. O'Neill's report went to the parties on October 8 and negotiations proceeded on the basis of this report. The parties, however, were unable to reach a settlement, and as required by the provisions of the Act, the report was released publicly 15 days later, on October 24. The same day the Commission appointed Fraser Kean, a Senior Mediator with Conciliation and Mediation Services of the Ministry of Labour, "to assist" the parties in their negotiations.

The parties, with the mediator, continued their negotiations, but were unable to reach a settlement. Jointly, the parties agreed to submit the matters remaining in dispute to binding arbitration. The Arbitration Board was made up of:

Kevin M. Burkett, Chairman
W.A. Correll, Employer Nominee
Ken Waldie, Union Nominee

The items in dispute were:

- (i) Salary scales for Teaching Masters for the period September 1, 1980 to August 31, 1981;
- (ii) hourly rate range and increases to hourly rate for partial-load employees;
- (iii) salary progression for certified journeymen.

The preliminary award, handed down on May 27, concluded by stating:

The parties are to meet within 30 days of the release of this award for the purpose of determining the course of study which must be completed by a certified journeyman in order to qualify for placement at Step 15 of the salary scale. The relevance and availability of such courses, are to be taken into account. The Board will remain seized on this matter in the event the parties are unable to agree on the designation of these courses.

The parties were not able to reach an agreement concerning this issue, and therefore, the Board of Arbitration issued a second award, dealing specifically with this item. This award had not been received by August 31.

Negotiations between the Academic Staff and the Council of Regents to make or renew an agreement began early in the year. The Academic Staff asked for the appointment of a fact finder. This request was not opposed by the Council of Regents. On July 8, the Commission appointed Dr. Jeffery Gandz. His report outlining the items agreed to, the items in dispute, along with his recommendations for settlement, was delivered to the parties in August. The parties were unable to reach an agreement using this report as a basis of negotiations. Therefore, the Commission, as directed by Section 22 of the Act, released the report to the public. Section 22 (2) reads:

If the parties do not make an agreement, or renew the agreement, as the case may be, within the period of time specified in subsection 1, the Commission shall make public the report of the fact finder.

In his report, Dr. Gandz made a number of very important observations and recommendations. His report contained the following comment:

Putting it quite bluntly, the parties in this relationship have not succeeded in establishing a constructive bargaining relationship which concludes a collective agreement within a reasonable time after the expiry of the preceeding agreement. They have been locked in what amounts to one continuous round of negotiations from the very outset of their relationship, punctuated only by the occasional respite of an agreement.

Among the factors which he identified as contributing to this state of affairs in College/Academic staff negotiations are a lack of data and an inappropriate bargaining structure. He pointed out that the Colleges, in order to be responsive to the needs of the community, were ensured a ***decentralized structure***. However, the College Bargaining Act mandates ***centralized*** negotiations with one single union negotiating one agreement with a Council of Regents representing all 22 Colleges. As a previous fact finder stated, "Uniform solutions, therefore, are sought in a system marked by tremendous variety in terms of experiences and practices." The lack of data compounds this problem. Without reliable and valid data there can be very little analysis and creative problem solving which are vital to negotiations. Dr. Gandz pointed out that for the most part the data exist at the local college level, however, procedures have never been established at the system level to provide for collection, in spite of the fact ***"that bargaining over working conditions takes place at the systems level."***

He went on to note:

In my view, many of these factors put the Union at a severe disadvantage in negotiating or in gaining support for their positions on non-monetary issues from either arbitrators or fact finders. The Council can state that the Union has failed to make a case that there is a problem that requires amendments to the collective agreement. The ability to gather the necessary data lies with the Colleges, both at local and system-wide levels. In the absence of evidence that there are significant problems, arbitrators and fact finders are loath to interfere with highly complex issues such as instructional workloads and grid placement and progression and have tended to recommend and/or award the status quo or suggested that the matters should be sorted out by the parties themselves. Given the recurrent nature of the Union's proposals in successive rounds of negotiations, this resolution has clearly not happened. This, I believe, lies at the root of the Union's frustration.

The absence of good, reliable data on many of these issues must also pose some problems for the Colleges, both locally and in province-wide negotiations. There are not data to refute the Union's claims and to support the Colleges' contention that abuses are not widespread or serious.

In the light of these observations, the Commission has directed its Research Services staff to explore ways to compile meaningful data and to explore methods which would facilitate the collection of significant and relevant data.

On August 26, Norman Bernstein, of Ottawa, was appointed by the Commission "to assist" the parties in their negotiations. Mediation sessions continued to August 31 — the day the collective agreement expired and the reporting period ended.

3. Grievance Mediator

Upon request of both the Ontario Public Service Employees Union representing the Academic Staff, and the Council of Regents, the Commission appointed a grievance mediator to assist the parties. The appointment in July of Mr. H. Waisglass, represents the first attempt at Grievance Mediation in the college sector of education in Ontario. The Commission views this as a positive step by the parties to resolve grievances before they are magnified and become significant issues at the bargaining table.

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Ontario

COLLEGE RELATIONS COMMISSION

Annual Report
1981-82



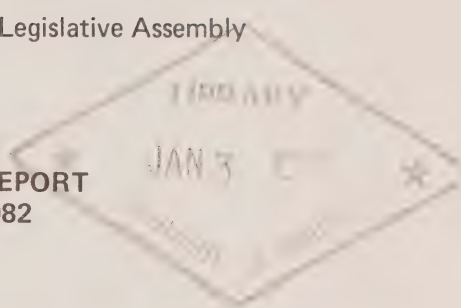
**College
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Telephone (416) 922-7679

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**ANNUAL REPORT
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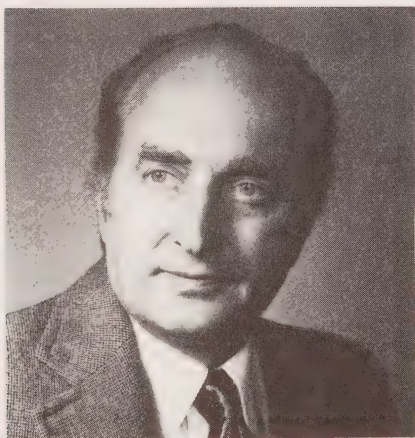
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III NEGOTIATIONS AND APPOINTMENTS

Negotiations between the Ontario Public Service Union, representing the Academic Staff and the Support Staff, and the College of Regents throughout the reporting period — September 1, 1981 to August 31, 1982 — were unique. This is partly due to the fact that the parties are only in their seventh year of collective bargaining under the Colleges Collective Bargaining Act. There are, however, other structural and organizational reasons which will become clear later in this report.

Bargaining in both the academic and support staff panels took place against the backdrop of a timetabled schedule which included a strike deadline.

August 31, 1981	— fact finder's report will become a public document prior to this date — if no settlement
September 14, 1981	— last offer vote — if rejected
September 28, 1981	— strike vote
October 13, 1981	— strike deadline

The concept and imposition of a timetabled schedule for bargaining is generally viewed as both a positive and mature step in negotiating strategy.

1. Support Staff

Negotiations between the Council of Regents and the Support Staff to renew the 1981-82 collective agreement continued with the help of a mediator throughout the early part of September 1981. The union, as published in its bargaining schedule, requested a supervised vote on the last offer from the Council of Regents, and the membership voted, on September 14, to accept this offer.

Negotiations to make or renew the collective agreement for 1982-83 began in April. Following five negotiating sessions which covered approximately 13 days, the union requested, in writing, the appointment of a fact finder.

This request was not opposed by the employer, on August 6th and the Commission appointed Professor Graeme McKechnie, Economics Department, York University. Hearings were held four days later and his report was not due until early in the next reporting period.

2. Academic Staff

Early in the reporting year a supplemental arbitration award was released to the parties which determined the courses of study to be completed by a certified journeyman in order to qualify for placement on step 15 of the salary scale.

(a) 1981-82

As of September 1, 1981, negotiations to make the 1981-82 collective agreement between the Council of Regents and the Academic Staff were continuing with the assistance of Mr. N. Bernstein, a mediator appointed by the Commission. The Union, as in its published timetable, requested that a vote on the last offer of the Council of Regents be held on September 14th.

The last offer was rejected by the membership and negotiations continued with the parties reaching a tentative agreement on September 19. The union then requested that a ratification vote be held on September 28, which was the date originally scheduled for a strike vote. This request was granted and the results of the vote were:

To accept 4023

To reject 1514

(b) Determination

Objections to the conduct of the September 28th vote were filed with the Commission by academic staff members of two colleges. At Algonquin College the objection stated the memorandum of settlement was unavailable, and therefore, could not be posted 48 hours prior to the vote, which is required by the Commission's policy number 10. The situation at Fanshawe College was characterized as being both different and more serious. The Union-appointed Deputy Returning Officer resigned as a result of confusion as to the terms of the offer to be voted on. A number of other staff members who were responsible for tasks in the organization and administration of the vote also resigned. This led to difficulties at the polling stations.

According to Section 57(g) of the Act:

It is the duty of the Commission to determine the manner of conducting and to supervise votes by secret ballot pursuant to this Act.

As outlined in the Commission's policy number 16, the Chief Returning Officer investigated these objections and reported to the Commission.

Following a hearing at the Commission's offices on October 30th, a written determination was issued in December. Of significance in this determination is the following quotation:

...When the Council of Regents and the Union reached a meeting of minds as to the new contract on or about September 19, 1981, it was concluded that the date of September 28, 1981 would be kept, now as a Ratification vote rather than a Strike Vote. Most of the objectors were of the opinion that this tight schedule contributed to the problems experienced in disseminating information to the staff members concerning the proposed contract.

The Commission dismissed the objections to the conduct of the September 28th vote on the basis of policy number 1(9) which states:

No vote is invalid by reason of any defect of form or any technical irregularity and a vote shall not be set aside and a new vote ordered if, in the opinion of the Commission, the result has not been materially affected by any alleged defect.

Copies of this determination are available upon request.

(c) 1982-83

Negotiations to make the 1982-83 collective agreement began early in the new year. Following a number of negotiating sessions, and according to its timetable, the Union requested in writing the appointment of a fact finder.

This request was not opposed by the Council of Regents and on June 21st the Commission appointed Dr. J. Gandz, Associate Professor, School of Business Administration, University of Western Ontario. His report outlining the items agreed to, the items in dispute, along with his recommendations for settlement was delivered to the parties in July. The parties were unable to reach an agreement using this report as a basis of negotiations. Therefore, the Commission, as directed by Section 22 of the Act released the report to the public.

Dr. Gandz, in his report noted that the negotiations between the parties had not broken down, but that they appeared to "lack momentum". He was complimentary of the maturity shown by the Union to the bargaining process.

Unlike the 1981-82 negotiations, the Union has not set a strike deadline. Furthermore, the Union's demands for changes in the collective agreement have been limited to a few critical areas rather than consisting of over 50 specific change requests as they did last year.

He also indicated that the parties were making use of data generated by an Employer-Employee Relations Committee (E.E.R.C.) which was established in the 1981-82 collective agreement.

As far as I can tell, the E.E.R.C. is the only form available to the parties for joint problem solving at the "system" level and its preservation is therefore important if joint problems are to be discussed and resolved rather than be treated as conflicts of interest.

Professor Gandz also analyzed the bargaining structure, and indicated a number of other factors which contribute to the complexity of College/Academic negotiations. He then made a significant observation before dealing with the matters in dispute.

Given this great complexity and diversity in the College system the parties have an inappropriate structure for collective bargaining. The College system was established in a way which ensured a decentralized structure so that the Colleges could be maximally responsive to local community requirements. Yet the Colleges Collective Bargaining Act mandates centralized negotiations with one single Union negotiating one agreement with a Council of Regents representing all 22 Colleges.

Negotiations continued throughout the month of August and as declared in the written request for a fact finder, the Union filed with the Commission on August 31, a request for a vote on the last offer of the Council of Regents. This vote was scheduled to take place early in the next reporting year.

3. Grievance Mediation

The grievance mediation programme set up in July of 1981 at the request of the Ontario Public Service Employees Union, representing the Academic Staff and the Council of Regents was successful. As a result, Mr. H. Waisglass was again appointed as a grievance mediator to assist these parties. Correspondence received from all parties indicated that significant progress both in reducing the number of outstanding grievances — which in some cases were three years old — and in identifying and reducing obstacles to the grievance process occurred. It is the feeling of the Commission that the continued success of this programme is a positive indication of how the parties are willing to work together to resolve grievances before they become significant issues at the bargaining table.

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COLLEGE RELATIONS COMMISSION

Annual Report

1982-83





Ontario

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Telephone (416) 922-7679

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Suite 400
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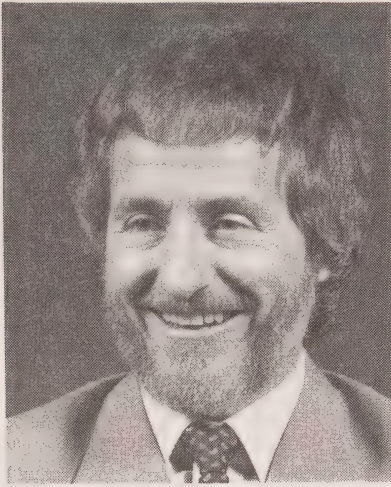
Sincerely

The College Relations Commission

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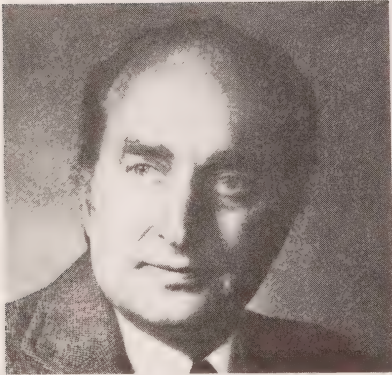
MEMBERS OF THE COMMISSION



Chariman —

BRYAN M. DOWNIE, B.A. (Concordia, Minnesota), M.B.A. (University of Chicago), Ph.D. (University of Chicago).

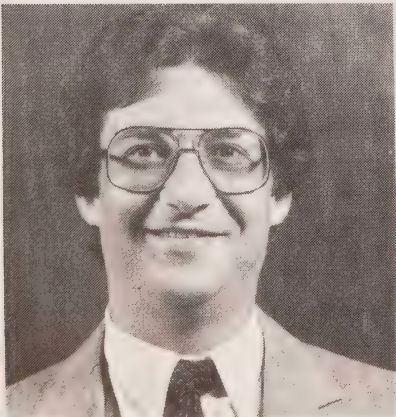
Dr. Downie, (Professor, Industrial Relations and Public Policy, Queen's University) has served as a fact finder, mediator, and interest arbitrator. He has published extensively in the area of labour relations and his book, *Collective Bargaining and Conflict Resolution in Education* examines the activities and policies of the Education Relations Commission during the formative years. He is Canadian Director and a Board member of the Society of Professionals in Dispute Resolution, an association of third party neutrals based in Washington, D.C. and is currently President-Elect of the Canadian Industrial Relations Association and a member of the Board of Directors of Social Science Federation of Canada.



Vice-Chairman —

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Commissioner —

HARVEY M. NIGHTINGALE, B.A. (University of Western Ontario), M. Ed. (University of Toronto), M.A. (York University).

Mr. Nightingale served as Director of Economic and Legislative Services for the Ontario Trustees Council

from 1973 to 1981. In this position he was responsible for both developing and articulating the trustees position on various educational issues, including collective bargaining — the School Boards and Teachers Collective Negotiations Act.

Mr. Nightingale is Executive Director of the Ontario Nursing Home Association.

Commissioner —

LOUISE D. BINDER, B.A. (University of Toronto), LL.B. (Queen's University).

Miss Binder is Co-ordinator of Labour Relations with Gulf Canada Products Limited. Following graduation from law school she practised labour law for management with a Toronto law firm. Since 1977, she has been in private sector Employee Relations.

Miss Binder is also a member of the Ontario Public Service Labour Relations Tribunal.

Commissioner —

DONALD S. FELKER, B.A. (University of Ottawa), M.Ed. (University of Toronto), Ed.D. (University of Pennsylvania).

Dr. Felker, a self-employed educational consultant, has served as an appointee on both grievance and arbitration boards. He spent thirteen years in the Ontario Public School System as a Teacher, Vice-Principal and Principal and from 1968 to 1973, he served as General Secretary for the Ontario Secondary School Teachers' Federation. Dr. Felker is a Fellow of the Ontario Teachers' Federation and a Life Member of the Ontario Secondary School Teachers' Federation.



The College Relations Commission was established by Section 56 of The Colleges Collective Bargaining Act, 1975.

The Chief Executive Officer and Secretary of the Commission is R.H. Field. The Commission's offices are at 111 Avenue Road, Suite 400, Toronto, Ontario, Canada, M5R 3J8.

I INTRODUCTION

The mandate of the College Relations Commission — to maintain an awareness of and to facilitate collective negotiations between the Ontario Council of Regents for Colleges of Applied Arts and Technology, as employer, and the Ontario Public Service Employees Union, representing the Academic and Support Staffs — is contained in the Colleges Bargaining Act. Passed in 1975, this Act gives both the Academic Staff and Support Staff the right to strike and the Ontario Council of Regents for Colleges of Applied Arts and Technology the right to lock-out. These rights, however, are regulated. For example a strike or lock-out is not legal until:

- a) A fact finder has met with the parties and his/her report has been made public; and
- b) A 30-day cooling off period takes place after the fact finder's report is submitted to the parties; and
- c) After the members of the employee organization have voted — by secret ballot in a supervised vote — on the last offer of the Council of Regents; and
- d) After the members of the employee organization have voted — by secret ballot in a supervised vote — to take strike action.

At anytime during the process, the parties may choose voluntary binding arbitration, or final offer selection as an alternate means of dispute resolution.

The Commission maintains its awareness of the negotiation process from the filing of an intent to negotiate by the parties, to the signing of a collective agreement. Particular attention is paid to the timing and appropriateness of appointments of fact finders, and mediators.

The conduct of votes — last offer, strike, or ratification — has assumed major importance for the Commission. This is due not only to the number of votes which have been supervised, but also to the number of members of the employee organizations, and the number of campuses involved.

Collective bargaining prospers in a climate where there is a clear communication, mutual trust, and a growing awareness by the parties regarding the ongoing nature of the process. There has been an increasing effort to develop communications and other built-in procedures that are the essence of good staff relations. While the Commission is required to assist the parties, neither the legislation nor the Commission can be expected to be a panacea for all ills. The Commission is happy to report that there were no strikes or lock-outs, during the reporting period.

II STAFF AND FACILITIES

The Commission shares staff and facilities with the Education Relations Commission and has participated with the Education Relations Commission in the training of fact finders, mediators, arbitrators and selectors. Therefore, for a more complete picture of this year's activities, reference should be made to the Eighth Annual Report of the Education Relations Commission.

During the reporting year, two training sessions were held for third party neutrals. As in other years, one session was held for fact finders and one for mediators. The Commission continued to recruit new individuals with high qualifications and from a variety of backgrounds: fifteen were academics whose training is in industrial relations, twenty were lawyers specializing in labour law, and five were former school trustees or administrators.

III NEGOTIATIONS AND APPOINTMENTS

Negotiations between the Ontario Public Service Union, representing the Academic Staff, and the College of Regents and the Ontario Public Service Union representing the Support Staff and the College of Regents continued to exhibit the maturity and planning that was characteristic of their bargaining relationships in the previous year. As a result negotiations in both panels had advanced well into the process at the beginning of the reporting period.

The bargaining climate, however, was dramatically changed when An Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province was given first reading in the legislature on September 21, 1982. Third reading did not occur until December 15 (although by Section 36 this Act is deemed to have been passed on September 21). As a result of this waiting period, the uncertainty surrounding the final draft of the Act and its implications for the parties, there was no bargaining in the colleges sector for approximately three months.

This legislation, commonly referred to as Bill 179 or the Inflation Restraint Act, limited compensation increases in the public sector to "up to 9 percent" in the first year of the program (the "transitional" year) and to 5 percent in the second year (the "control" year). The legislation removed the right to strike or lock-out and also provided for the formation of the Inflation Restraint Board (IRB) to administer the Act, set its internal policies and procedures and to monitor wage and price controls in the public sector.

The significant sections of the Act are as follows:

Section 13: which extends the terms and conditions of the collective agreement;

Section 14: which allows the parties to a collective agreement to apply to the IRB with respect to certain disputed matters;

Section 15: which states that parties to a collective agreement which includes a compensation plan that is extended under Section 11 may, by agreement, amend the terms and conditions . . . other than compensation rates . . .

In the spring, the Ontario Public Service Employees Union applied for a judicial review of the Inflation Restraint Act. This application was joined with two others. One involved a decision by the Ontario Labour Relations Board and the Broadway Manor Nursing Home. The other involved the Ontario Secondary School Teachers' Federation District 17 and the Education Relations Commission. For more information on the latter application see the Eighth Annual Report of the Education Relations Commission.

1. Support Staff

Negotiations between the Ontario Public Service Union representing the Support Staff and the College of Regents to make a new collective agreement were well advanced as of September 1, 1982. A fact finder appointed by the Commission submitted his fact finding report to the parties on September 7.

The same day the Union filed with the Commission a request for a vote on the last offer of the Council of Regents, to be held on September 23. This request was granted and in a vote which involved over 3,600 union members and was supervised by the Commission, the last offer of the Council of Regents was rejected. However, since the parties had not come to an agreement they were subject to the "transitional year" provisions of the Inflation Restraint Act.

Negotiations resumed, after passage of the Act, for a three-day period in January when the parties met with the assistance of a mediator who had been appointed and met with the parties just prior to the reporting period. More meetings followed over the next four months and in June 23, 1983 the parties signed a two-year agreement covering the 1982-84 period.

2. Academic Staff

On September 1, 1982, the Ontario Public Service Employees Union, representing the Academic Staff filed a request with the Commission to supervise a vote on the last offer of the Council of Regents. The request was granted and all organizational steps necessary were taken to set up this vote, as requested for September 21. When it was announced that the Inflation Restraint Act would be introduced

in the legislature on that day, the Union requested the voting date be changed to September 22. This request was granted, although not without a strong protest by the representatives of the Council of Regents.

In a vote, supervised by the Commission, involving 5,000 union members, the last offer of the Council of Regents was rejected.

Following third reading of the Act, the parties continued to meet and on February 25, 1983 signed a memorandum of agreement covering the 1982-84 period.

3. Votes

Section 89 of the Colleges Collective Bargaining Act states:

Where an employee organization conducts a vote of employees,

- a) for the purposes of subsection 1 of section 60; or
- b) to give approval to the terms of an agreement,

the vote shall be a vote by secret ballot conducted under the supervision of and in the manner determined by the Commission.

During the reporting period the Commission did not receive a request to supervise a ratification vote.

4. Visits

Fourteen Community Colleges were visited by staff members of the Commission during the reporting year. The purpose of these visits is to meet with the administration of each college and to make key officials aware of the Relationship By Objectives and Grievance Mediation Programs which the Commission makes available. More visits are planned for next year.

5. Meetings

The Chairman of the College Relations Commission and members of staff held two meetings with representatives of the Staff Relations Section of the Ministry of Colleges and Universities and negotiators with Public Service Employees Union representing both the Academic and Support Staff. The purpose of the meetings was to review the voting procedure in the colleges and attempt to identify and remove organizational obstacles which prevent the process from operating smoothly. With the co-operation of the parties many of the obstacles have been identified and further meetings are planned in the next reporting year to draft a procedure which will meet the needs of the parties and the Commission.

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Annual Report



Ontario

College Relations Commission

1983-1984



**College
Relations
Commission**

Telephone (416) 922-7679 111 Avenue Road
Suite 400
Toronto, Ontario
M5R 3J8

To: The Members of the Legislative Assembly
Province of Ontario

**ANNUAL REPORT
1983-1984**

Dear Members,

We have the honour to present the Ninth Annual Report of the College Relations Commission, covering the period from September 1, 1983 to August 31, 1984.

Sincerely

The College Relations Commission

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DUTIES OF THE COMMISSION

The College Relations Commission was established by Section 55 of **The Colleges Collective Bargaining Act**. Revised Statutes of Ontario, 1980. Its duties are:

- a) to carry out the duties imposed on it by this Act and such other functions as may, in the opinion of the Commission, be necessary to carry out the intent and purpose of this Act;
- b) to maintain an awareness of negotiations between the parties;
- c) to compile statistical information on the supply, distribution, professional activities and salaries of employees;
- d) to provide such assistance to parties as may facilitate the making or renewing of agreements;
- e) to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators or selectors;
- f) to determine, at the request of either party or in the exercise of its discretion, whether or not either of the two parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement;
- g) to determine the manner of conducting and to supervise votes by secret ballot pursuant to this Act; and
- h) to advise the Lieutenant-Governor in Council when, in the opinion of the Commission, the continuance of a strike, lock-out or closing of a college or colleges will place in jeopardy the successful completion of courses of study by the students affected by the strike, lock-out or closing of the college or colleges.

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During the reporting period, Ian R. Linton, Q.C. who had served as Vice-Chairman of the Commission since 1975, completed his second term and did not stand for reappointment. Known for his quiet leadership and his sensitivity to the issues of education in general and the colleges in particular, Mr. Linton was a valued member of the Commission during his tenure.

In December, T. Gary O'Neill, an Ottawa lawyer, was appointed to and designated as Vice-Chairman of the College Relations Commission for a three-year term.

MEMBERS OF THE COMMISSION



Chairman —

BRYAN M. DOWNIE, B.A. (Concordia, Minnesota), M.B.A. (University of Chicago), Ph.D. (University of Chicago).

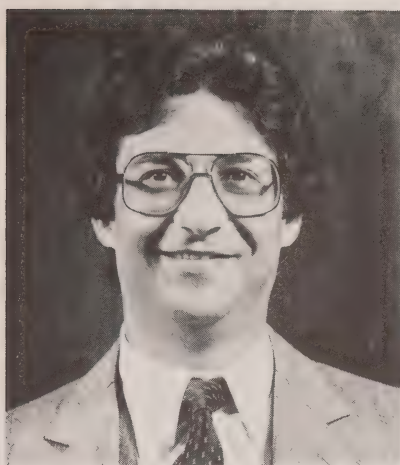
Dr. Downie, (Professor Industrial Relations and Public Policy, Queen's University) has served as a fact finder, mediator, and interest arbitrator. He has published extensively in the area of labour relations and his book, *Collective Bargaining and Conflict Resolution in Education* examines the activities and policies of the Education Relations Commission during the formative years. He is Canadian Director and a Board member of the Society of Professionals in Dispute Resolution, an association of third party neutrals based in Washington, D.C. and is currently President-elect of the Canadian Industrial Relations Association and a member of the Board of Directors of Social Science Federation of Canada.



Vice-Chairman —

T. GARY O'NEILL, B.A. Sc. (University of Toronto), M.Eng. (Carleton), LL.B. (University of Ottawa).

Mr. O'Neill is a member of an Ottawa law firm who is knowledgeable in both dispute resolution and the issues in the Education sector of Ontario. Since 1977, Mr. O'Neill has served as a third-party on numerous occasions.



Commissioner —

HARVEY M. NIGHTINGALE, B.A. (University of Western Ontario), M.Ed. (University of Toronto), M.A. (York University).

Mr. Nightingale served as Director of Economic and Legislative Services for the Ontario Trustees' Council from 1973 to 1981. In this position he was responsible for both developing and articulating the trustees' position on various educational issues, including collective bargaining — the School Boards and Teachers Collective Negotiations Act.

Mr. Nightingale is Executive Director of the Ontario Nursing Home Association.



Commissioner —

LOUISE D. BINDER, B.A. (University of Toronto), LL.B. (Queen's University).

Miss Binder is Co-ordinator of Labour Relations with Gulf Canada Products Limited. Following graduation from law school she practised labour law for management with a Toronto law firm. Since 1977, she has been in private sector Employee Relations.

Miss Binder is also a member of the Ontario Public Service Labour Relations Tribunal.



Commissioner —

DONALD S. FELKER, B.A. (University of Ottawa), M.Ed. (University of Toronto), Ed.D. (University of Pennsylvania).

Dr. Felker, a self-employed educational consultant, has served as an appointee to both grievance and arbitration boards. He spent thirteen years in the Ontario Public School System as a Teacher, Vice-Principal and Principal and from 1968 to 1973, he served as General Secretary for the Ontario Secondary School Teachers' Federation. Dr. Felker is a Fellow of the Ontario Teachers' Federation and a Life Member of the Ontario Secondary School Teachers' Federation.

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II STAFF AND FACILITIES

The Commission shares staff and facilities with the Education Relations Commission and has participated with the Education Relations Commission in the training of fact finders, mediators, arbitrators and selectors. Therefore, for a more complete picture of this year's activities, reference should be made to the Ninth Annual Report of the Education Relations Commission.

During the reporting year, one training session was held for fact finders. The Commission continued to recruit additional individuals with high qualifications and from a variety of backgrounds; seven were academics whose training is in industrial relations, eight were lawyers specializing in labour law, and five were former school trustees or administrators. A feature of this year's workshop was a simulated fact finding hearing. Participants at the workshop were asked to file a fact finder's report based on this simulation.

III INFLATION RESTRAINT ACT (BILL 179)

The bargaining climate was dramatically changed when *An Act Respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province* (The Inflation Restraint Act or Bill 179) was given first reading in the legislature on September 21, 1982. Third reading did not occur until December 15 (although by Section 36 this Act is deemed to have been passed on September 21). As a result of this waiting period, and the uncertainty surrounding the final draft of the Act and its implications for the parties there was no bargaining in the colleges' sector for approximately three months.

This legislation, commonly referred to as Bill 179 or the Inflation Restraint Act limited compensation increases in the public sector to "up to 9 percent" in the first year of the program (the "transitional" year) and to 5 percent in the second year (the "control" year). The legislation removed the right to strike or lock-out and also provided for the establishment of the Inflation Restraint Board (IRB) to administer the Act, set its internal policies and procedures and to monitor wage and price controls in the public sector.

The significant sections of the Act are as follows:

Section 13: which extends the terms and conditions of the collective agreement;

Section 14: which allows the parties to a collective agreement to apply to the IRB with respect to certain disputed matters;

Section 15: which states that parties to a collective agreement which includes a compensation plan that is extended under Section II may, by agreement, amend the terms and conditions . . . other than compensation rates . . .

In the spring, the Ontario Public Service Employees Union applied for a judicial review of a decision of the Ontario Labour Relations Board with respect to the interpretation of section 13 of Bill 179 in the case of Broadway Manor Nursing Home. This application was joined by a request from the Durham Board of Education for the judicial review of a decision of the Education Relations Commission involving the same point of law i.e. by extending the terms and conditions of the collective agreement is the collective agreement itself extended?

The Divisional Court of the Supreme Court of Ontario ruled that section 13 (b) which extended "the terms and conditions of every collective agreement that includes a compensation plan" violated section 2 of the Charter of Rights (freedom of association).

since it prevented the displacement of the Christian Labour Association of Canada by the Service Employees' International Union Local 204. The ruling in favour of the Ontario Public Service Employees' Union and the Education Relations Commission was appealed in the Court of Appeal. No decision has been reached at the time of the writing of this report.

IV NEGOTIATIONS AND APPOINTMENTS

Public Sector Prices and Compensation Review Act (Bill 111)

Negotiations for the 1984-1985 bargaining year began in January and are subject to Bill III, *An Act to Provide for the Review of Prices and Compensation in the Public Sector and for an Orderly Transition to the Resumption of Full Collective Bargaining*. Also known as the *Public Sector Prices and Compensation Review Act, 1983*, this legislation was introduced on November 8, 1983, given third reading on December 13, 1983, but is deemed to have come into force on October 1, 1983. The Treasurer, when introducing this legislation stated:

While collective bargaining will be restored, we will ensure the continuation of restraint by placing clear limits on funding for all public sector wage increases during the coming year. Our grants and transfers to municipalities, school boards, universities and other publicly-funded institutions, as well as allocations for our own civil servants, will provide for average compensation increases of up to 5 percent for a group.

This created a totally new climate for collective bargaining in Ontario's education sector beginning in January, 1984.

The return to collective negotiations after a two-year hiatus and with informal limits on total compensation for 1984-1985 has major implications for the length and character of the bargaining process.

1. Support Staff

Negotiations between the Ontario Public Service Employees Union representing the Support Staff and the Council of Regents began in January with the union delivering a "notice" of intent to negotiate to the Council, and filing a copy with the Commission. Between February and April, the parties met on a number of occasions. Following a *joint* request by the parties, the Commission appointed a fact finder to assist the parties. His report went to the parties on May 25, and was released to the public on June 18.

The fact finder stated:

During the joint hearing, representatives of both parties indicated strongly that while cooperating with the Fact Finding process, they hoped that detailed recommendations would not be made,

because in their view such recommendations could hamper the progress of negotiations given the way they had been structured for this contract period.

and noted:

The parties continue to explore items and have established a bargaining timetable for this purpose.

At the request of the union, a vote on the last offer received from the Council of Regents, supervised by the Commission, was held on June 22. The union membership, by a vote of 3025—403 rejected the last offer of the Council of Regents.

The Commission, on July 27, 1984, appointed a mediator to assist the parties. Shortly after this appointment, the union requested that the Commission supervise a strike vote. The members, voting on August 14, indicated that by a vote of 1959 to 1546 they were in favour of strike action.

Negotiations continued, and the parties, with the help of the mediator, were able to reach a tentative agreement on August 30.

The union requested that the Commission supervise a ratification vote, according to Section 88 of the Act. On September 17, the union members voted 2711—848 to ratify the one-year collective agreement which expires on August 31, 1985.

2. Academic Staff

Negotiations between the Council of Regents and the Ontario Public Service Employees' Union were considerably more difficult. Negotiations began in January when the union delivered an "intent to negotiate" to the Council of Regents and filed a copy with the Commission. Following many negotiating meetings the parties *jointly* requested the appointment of a fact finder by the College Relations Commission. The request from the Staff Relations Section of the Ministry of Colleges and Universities, negotiating on behalf of the Council of Regents, contained the following statement:

However, in our view, the application is certainly premature having regard to the fact that a proposal was tabled by the Council on Wednesday morning June 6 with respect to the issue of workload.

After clarification of this statement the Commission appointed a fact finder. He requested, and in spite of strongly worded objections by the parties, was given a 30 day extension by the Commission. The report was delivered to the parties on August 20th and was released to the public on September 5th. In the report the fact finder noted:

Given (a) the depth of feeling and strength of convictions expressed to me by the parties, and (b) the difficulties involved in making changes such as those suggested above, I have grave doubts that the parties will be able to reach agreement on the complex issues which divide them without the exercise of some form of economic sanctions either in this round, or subsequent rounds, of bargaining. Given my perception of the situation and the importance of the issues to the future of the College System, its academic staff, college administration, students, and the public in Ontario, *I recommend that the parties jointly consider ways, such as those set out above, to change their bargaining structure (with its centralized negotiations and decentralized contract administration), and/or their bargaining relationship (which is presently characterized by aggression, conflict, antagonism, a high level of distrust, the overt use of power and influence attempts, and the denial of legitimacy to the other party and its representatives) in order to facilitate a problem-solving approach to the complex issues, such as workload, which divide them.*

The Commission on August 20, 1984 appointed a mediator. He met with the parties in late August prior to the release of the report to the public.

In a vote held on September 18, which was requested by the union and supervised by the Commission, the membership voted 5769—279 to reject the last offer received from the Council of Regents.

The mediator continued to work with the parties in sessions held on the 24th and the 25th of September.

In the light of the strongly worded comments in the Fact Finder's report, reports received from the mediator and from other information gathered by the Commission staff a strike seems to be inevitable. Regardless of the outcome of negotiations in this difficult round, the Commission intends to assist the parties through series of preventive mediation initiatives in the forthcoming year.

For details of the preventive mediation program please refer to the 1983-84 Annual Report of the Education Relations Commission.

3. Good Faith Bargaining

Both the Ontario Public Service Employees Union, representing the Academic Staff and the Council of Regents made application to the Commission for determinations according to Section 56(f) — whether or not either of the parties was negotiating in good faith. These charges were investigated by the Chief Executive Officer, as outlined in policy of the Commission's Policy and Procedures Manual. The College Relations Commission set dates for the hearing of these charges, however, following a joint request by the parties the Commission agreed to a postponement sine die.

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Ontario

College Relations Commission

Annual Report
1985-1986



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College
Relations
Commission

Telephone (416) 922-7679

111 Avenue Road
Suite 400
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M5R 3J8

To: The Members of the Legislative Assembly
Province of Ontario

ANNUAL REPORT
1985-1986

Dear Members,

We have the honour to present the Eleventh Annual Report of the College Relations Commission, covering the period from September 1, 1985 to August 31, 1986.

Bryan M. Downie
Chairman
College Relations Commission



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II MEMBERS OF THE COMMISSION

Chairman

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Dr. Downie, (Professor, Industrial Relations and Public Policy, Queen's University) has served as a fact finder, mediator, and interest arbitrator. He has published extensively in the area of labour relations and his book, *Collective Bargaining and Conflict Resolution in Education* examines the activities and policies of the Education Relations Commission during its formative years. He is Canadian Director and a Board member of the Society of Professionals in Dispute Resolution, an association of third party neutrals based in Washington, D.C. and is past President of the Canadian Industrial Relations Association.

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Commissioner

John Irwin Zeiler, B.A. (University of Toronto), LL.B. (University of Toronto).

Mr. Zeiler, is a partner in the law firm of Leve and Zeiler whose practice includes real estate, corporate, commercial and estate work. He was the solicitor for the developer who registered the first condominium in Ontario. Mr. Zeiler has taught for the Ontario Real Estate Association, the Appraisal Institute of Canada and more recently in the Department of Administrative Studies at York University where he lectures in Real Property Law.

Commissioner

Jane Scott, B.A. (Queen's University).

Ms. Scott, has served three consecutive terms as chairman of the Lennox and Addington County Board of Education and was elected president of the Ontario Public School Trustees' Association for the year 1985. As a school trustee Ms. Scott had considerable experience in the field of teacher/board collective bargaining and in education finance. Her teaching experience includes business subjects such as Law, Bookkeeping and Office Practice.

Commissioner

Ghislaine Allard Connors, B.A. (Laurentian University).

Ms. Connors, has had 36 year's experience as a teacher and principal in Sturgeon Falls. She has had a variety of experiences including 6 years as a member of the Teachers' Negotiation Committee with the Nipissing District Roman Catholic Separate School Board. As a member of the Curriculum Development Committee she has assisted in the preparation of courses of study in English and Mathematics. For 24 years she served as principal of École Notre Dame in Sturgeon Falls.

III NEGOTIATION PROCESS

The mandate of the College Relations Commission — to maintain an awareness of and to facilitate collective negotiations between the Ontario Council of Regents for Colleges of Applied Arts and Technology, as employer, and the Ontario Public Service Employees' Union, representing the Academic and Support Staffs — is contained in the **Colleges Collective Bargaining Act**. Passed in 1975, and revised in 1980, this Act gives both the Academic Staff and Support Staff the right to strike and the Ontario Council of Regents for Colleges of Applied Arts and Technology the right to lock-out. These rights, however, are regulated. For example a strike or lock-out is not legal until:

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V NEGOTIATIONS AND APPOINTMENTS

1. Support Staff

Prior to the period covered by this report the support staff, represented by the Ontario Public Service Employees' Union, filed an intent to negotiate with the Ontario Council of Regents for Colleges of Applied Arts and Technology on January 22, 1985. After approximately six days of bargaining during May and June 1985, both parties requested that a fact finder be appointed. On July 15, 1985 the College Relations Commission appointed Professor Gene Swimmer from Carleton University as a fact finder. On July 30, 1985 Professor Swimmer was appointed as a mediator. On August 15, 1985 the report of the fact finder was submitted to the parties.

At the beginning of the period covered by this annual report, on September 5, 1985, a request was received for a supervised ratification vote to be held on September 20, 1985. The ratification vote was held on September 20, 1985. The result was as follows:

Number of ballots cast	3911
Number of spoiled ballots	11
Number of "YES" votes	3197
Number of "NO" votes	696
Ballots segregated and not counted	7

A signed collective agreement, was executed in September, 1985 for the period September 1, 1985 to August 31, 1987.

2. Academic Staff

On January 22, 1985 the Ontario Public Service Employees' Union filed an intent to negotiate on behalf of the academic staff with the Ontario Council of Regents for Colleges of Applied Arts and Technology and with the College Relations Commission.

Negotiations began on September 9, 1985 and continued through until October 2, 1985. On October 7, 1985 the Commission received a request for a supervised vote on the last offer of the employer to be held on October 24, 1985. The result of that vote was as follows:

Number of names on list as prepared by parties	8,148
Number of ballots cast	5,365
Number of spoiled ballots	12
Number of "YES" votes	342
Number of "NO" votes	4,992
Ballots segregated and not counted	19

On October 25, 1985 Professor Gene Swimmer of Carleton University was appointed as a fact finder. In his report made available to the parties on November 18, 1985, the fact finder made the following comments:

... it is impossible to understand these negotiations without delving into the historical relationship of the parties. The Council and the Union are currently involved in their tenth round of bargaining. In the previous nine rounds three required interest arbitration, one was cut short by the restraint legislation of 1982-84 and the most recent involved back-to-work legislation. Even in those rounds where settlements were reached by the parties, negotiations were extremely long and frustrating experiences with extensive fact finding and/or mediation.

Part of the difficulties are structural. There is one set of centralized bargaining which covers the 7500 academic staff in the 22 Colleges across Ontario. The Colleges have been portrayed by other third parties as a system of independent institutions whose diversity make it difficult to establish standards for faculty. More important, are the multilateral aspects of the bargaining. The management bargaining team must "negotiate" with the professional managers and Board of Governors at each college and the Provincial government (who eventually pays the bill), as well as with the union.

The other problem centers around faculty workload. In every round of bargaining since the early 1970's workload has been a core issue in dispute which has not yet been satisfactorily resolved. It has been addressed in practically every fact finder report and interest arbitration award but the understandable reticence of third parties to recommend or impose work environment changes (where the costs of an error could be enormous) have left the workload article largely unchanged. The frustration of the past decade has taken its toll on the parties. Coming into the previous negotiations (1984-85) the level of trust and willingness to cooperate was extremely low.

... I want to end this report by emphasizing that the parties have already come a long way on the workload issue. Despite the considerable divergence in their current positions, this is the first time in a decade that the Union and Council are bargaining from the same basic framework. I am confident that the parties can settle the issue this year. Whether a deal can be reached without a strike is less clear. Regardless, I hope the powers that be will let the process run its course. A settlement imposed from outside would ruin this opportunity for the parties to finally develop a healthy working relationship.

On November 18, 1985 Professor Swimmer was appointed as mediator and negotiations under his auspices continued. The fact finder's report was made public on December 5, 1985. On March 6, 1986 the College Relations Commission was requested by the union to supervise either a strike vote or ratification vote on April 17, 1986. On April 7, 1986 a letter was received from the union requesting that a supervised ratification vote be arranged for May 1, 1986. On April 26, 1986 an agreement was reached on the exact text of the collective

agreement and the College Relations Commission was requested to supervise a ratification vote on May 15, 1986. The results of that vote were as follows:

Number of names on list as prepared by the parties	9,141
Number of ballots cast	5,657
Number of spoiled ballots	16
Number of "YES" votes	4,666
Number of "NO" votes	931
Ballots segregated and not counted	44

A signed collective agreement was executed on May 22, 1986 for the period September 1, 1985 to August 31, 1987.

VI OTHER DEVELOPMENTS

During the reporting year, there were several developments which could have an influence on future collective negotiations and are reported below:

1. Applications before the Ontario Labour Relations Board

Under the provisions of Section 77 of the Colleges Collective Bargaining Act several staff members from Sheridan College of Applied Arts and Technology filed complaints against the Ontario Public Service Employees' Union and the Council of Regents for Colleges of Applied Arts and Technology with respect to fair representation. The hearing which commenced on June 13, 1985 was not completed and is scheduled to resume on October 23, 1986.

2. Report of the Advisor to the Minister of Colleges and Universities on the Governance of the Colleges of Applied Arts and Technology

On June 1986 Mr. Walter Pitman issued the above-mentioned report which included the following comments about collective bargaining.

...in the last number of years, there has been a tendency to view these crown corporations, not as learning institutes, but as industrial organizations. The emphasis has been on the budget "bottom line", on entrepreneurship, on immediate response to market needs, and on bureaucratic models. Senior administrators have seen themselves as being assessed and judged on their capacity to serve this industrial model — a model, ironically, that many progressive industries have eschewed in favour of more horizontal, operational styles. I think it is time the pendulum swung toward the college as an educational institution, with its strengths in its quality of teaching, decision-making, and work relationships.

...without in any way undermining or weakening the legitimate, collective bargaining mode, I would suggest that faculty and support staff must be seen as colleagues as well as members of a bargaining unit. At times, members of the union local may have to withdraw from proceedings of a governing body to prevent any charges of conflict of interest. However, for most of the time, they can carry out their duties as legitimate representatives of the community, whose contribution will ultimately determine the quality of the programs, the instruction and the learning.

...I am aware that both OPSEU and the majority of presidents and governors have expressed their reluctance to engage in local bargaining, for a number of understandable reasons. However, my preference would be that each college bargain with its own employees on all matters. Workload and compensation are so intertwined in terms of trade-offs, I see little point in attempting to separate them.

I strongly suggest that, at least, the colleges be expected to negotiate differences within the clear opportunities available under the present agreement; that presidents, governors and local union executives, be fully apprised of where those opportunities exist.

In the absence of local bargaining I would think that the Minister might delegate to a representative group of presidents, the responsibility for negotiating the collective agreement. Thus, the principle of linking decision-making, implementation, and accountability would be more faithfully followed.

3. Decision of the Supreme Court of Ontario

A judge of the Supreme Court of Ontario has ruled that a teacher on the staff of a College of Applied Arts and Technology who is in the bargaining unit represented by the Ontario Public Service Employees' Union but who is not a member of the union should not have to pay the portion of union dues that goes to causes and endeavours supported by the union but not directly related to collective bargaining.

The following comments were included in the judgement delivered on July 4, 1986:

...the statutory scheme contained in Sections 51, 52 and 53 of the *Colleges Collective Bargaining Act* is obviously designed to promote industrial peace through collective bargaining. The implementation of this objective requires a great deal of effort on the part of the bargaining agent for employees both in negotiating a collective agreement and in administering the resulting agreement while it is in force. As I have indicated elsewhere in this judgement, the purpose of an agency shop clause is to prevent 'free-riders'. Dissenting employees are protected

in that they are not forced to join the union, but as Mr. Justice Rand who is credited with the introduction of the concept in Canada stated, all employees must take the burden of collective bargaining with the benefit. I am in agreement with the parties that this constitutes a significant governmental objective that may warrant overriding individual rights to some extent.

...all counsel agreed at the end of the hearing, that should I find that the applicant's *Charter* rights had been abridged, on any of the bases submitted, that I should defer fashioning an appropriate declaratory remedy until counsel had had an opportunity to present further submissions.

I now invite counsel for the applicant to submit in writing submission as to the appropriate declaratory remedy. I also suggest that they deal with the costs of the application in their submissions. I ask that such counsel serve on other counsel a copy of their written submissions and that within 15 days counsel for the respondents and intervenors serve on counsel for the plaintiffs their written submissions; and that thereafter, within 15 days, counsel for the applicant serve their reply submissions. Counsel are asked to append as schedules to their written submissions draft orders incorporating their various alternatives of appropriate and practical operative words, so as to best accomplish the requisites of s. 1 of the *Charter*.

...for written reasons delivered I find that the plaintiff's freedom of association has been abridged. I reserve the fashioning of an appropriate declaratory remedy pending written submissions of counsel, and if desired further oral agreement. J.S.M. White J. 4 July/86



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College Relations Commission



**Annual Report
1986-1987**



**College
Relations
Commission**

Telephone (416) 922-7679

**111 Avenue Road
Suite 400
Toronto, Ontario
M5R 3J8**

To: The Members of the Legislative Assembly
Province of Ontario

**ANNUAL REPORT
1986-87**

Dear Members,

I have the honour to present the Twelfth Annual Report of the College Relations Commission, covering the period from September 1, 1986 to August 31, 1987.

Bryan M. Downie
Chairman
College Relations Commission

August 31, 1987

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I DUTIES OF THE COMMISSION

The College Relations Commission was established by Section 55 of **The Colleges Collective Bargaining Act**, revised Statutes of Ontario, 1980. Its duties are:

- a) to carry out the duties imposed on it by this Act and such other functions as may, in the opinion of the Commission, be necessary to carry out the intent and purpose of this Act;
- b) to maintain an awareness of negotiations between the parties;
- c) to compile statistical information on the supply, distribution, professional activities and salaries of employees;
- d) to provide such assistance to parties as may facilitate the making or renewing of agreements;
- e) to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators or selectors;
- f) to determine, at the request of either party or in the exercise of its discretion, whether or not either of the two parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement;
- g) to determine the manner of conducting and to supervise votes by secret ballot pursuant to this Act; and
- h) to advise the Lieutenant Governor-in-Council when, in the opinion of the Commission, the continuance of a strike, lock-out or closing of a college or colleges will place in jeopardy the successful completion of courses of study by the students affected by the strike, lock-out or closing of the college or colleges.

The Chief Executive Officer and Secretary of the Commission is R.H. Field. The Commission's offices are at 111 Avenue Road, Suite 400, Toronto, Ontario M5R 3J8.

II MEMBERS OF THE COMMISSION

Chairman

Bryan M. Downie, B.A. (Concordia, Minnesota), M.B.A. (University of Chicago), Ph.D. (University of Chicago).

Dr. Downie, (Professor, Industrial Relations and Public Policy, Queen's University) has served as a fact finder, mediator, and interest arbitrator. He has published extensively in the area of labour relations and his book, *Collective Bargaining and Conflict Resolution in Education*

examines the activities and policies of the Education Relations Commission during its formative years. He is past President of the Canadian Industrial Relations Association and is Canadian Director and a Board member of the Society of Professionals in Dispute Resolution, an association of third party neutrals based in Washington, D.C.

Vice-Chairman

T. Gary O'Neill, B.A. Sc. (University of Toronto), M Eng. (Carleton), LL.B. (University of Ottawa)

Mr. O'Neill, is a member of an Ottawa law firm who is knowledgeable in both dispute resolution and the issues in the education sector of Ontario. Since 1977, Mr. O'Neill has served as a third-party on numerous occasions.

Commissioner

John Irwin Zeiler, B.A. (University of Toronto), LL.B. (University of Toronto).

Mr. Zeiler, is a partner in the law firm of Leve and Zeiler whose practice includes real estate, corporate, commercial and estate work. He was the solicitor for the developer who registered the first condominium in Ontario. Mr. Zeiler has taught for the Ontario Real Estate Association, the Appraisal Institute of Canada and more recently in the Department of Administrative Studies at York University where he lectures in Real Property Law.

Commissioner

Jane Scott, B.A. (Queen's University).

Ms. Scott, has served three consecutive terms as chairperson of the Lennox and Addington County Board of Education and was elected president of the Ontario Public School Trustees' Association for the year 1985. As a school trustee Ms. Scott had considerable experience in the field of teacher/board collective bargaining and in education finance. Her teaching experience includes business subjects such as Law, Book-keeping and Office Practice.

Commissioner

William John McNeil, B.Com (University of Toronto).

John McNeil has had 15 years of experience as a teacher and Vice Principal in North York and 15 years of service as a Field Officer with the Ontario Secondary School Teachers' Federation. His past activities include Presidency of District 13, OSSTF, Governor of the Ontario Teachers' Federation, Advisory Board Member on Provincial Executives of OSSTF and former trustee of the Ontario Teachers' Insurance Plan. He is currently enrolled in the Master's Degree Program in Industrial Relations at the University of Toronto.

II NEGOTIATION PROCESS

The mandate of the College Relations Commission — to maintain an awareness of and to facilitate collective negotiations between the Ontario Council of Regents for Colleges of Applied Arts and Technology, as employer, and the Ontario Public Service Employees Union, representing the Academic and Support Staffs — is contained in the **Colleges Collective Bargaining Act**. Passed in 1975, and revised in 1980, this Act gives both the Academic Staff and Support Staff the right to strike and the Ontario Council of Regents for Colleges of Applied Arts and Technology the right to lock-out. These rights, however, are regulated. For example a strike or lock-out is not legal until:

- a) a fact finder has met with the parties and his/her report has been made public; and
- b) a 15-day cooling off period takes place after the fact finder's report is submitted to the parties; and
- c) after the members of the employee organization have voted — by secret ballot in a supervised vote — on the last offer of the Council of Regents; and
- d) after the members of the employee organization have voted — by secret ballot in a supervised vote — to take strike action.

At any time during the process, the parties may choose voluntary binding arbitration, or final offer selection as an alternate means of dispute resolution.

The Commission maintains its awareness of the negotiation process from the filing of an intent to negotiate by the parties, to the signing of a collective agreement. Particular attention is paid to the timing and appropriateness of appointments of fact finders, and mediators.

The conduct of votes — last offer, strike, or ratification — has assumed major importance for the Commission. This is due not only to the number of votes which have been supervised, but also to the number of members of the employee organizations, and the number of campuses involved.

IV STAFF AND FACILITIES

The Commission shares staff and facilities with the Education Relations Commission and has participated with the Education Relations Commission in the training of fact finders, mediators, arbitrators and selectors. Therefore, for a more complete picture of this year's activities, reference should be made to the Twelfth Annual Report of the Education Relations Commission.

V NEGOTIATIONS AND APPOINTMENTS

1. SUPPORT STAFF

On January 28, 1987 the support staff represented by the Ontario Public Service Employees Union filed an intent to negotiate with the Ontario Council of Regents for Colleges of Applied Arts and Technology. In a letter dated May 11, 1987 the Ontario Public Service Employees Union requested that a fact finder be appointed by the College Relations Commission. A similar request was received from Council of Regents in a letter dated May 12, 1987.

Mr. Douglas Lawless was appointed as fact finder on June 4, 1987. Mr. Lawless submitted his report to the Commission on June 25, 1987. Copies of the report were sent to the parties on June 26, 1987. The report was made public on July 15, 1987 in accordance with the provisions of section 21 of the **Colleges Collective Bargaining Act**, R.S.O. 1980 chapter 74. In his report Mr. Lawless included the following comments:

"The parties have been negotiating since early May and jointly requested the College Relations Commission to appoint a fact finder.

During four negotiating sessions since early May, the parties resolved a significant number of issues related to classification, travel allowance, income tax deduction, postings and leave plans. At this juncture many items remain unresolved including matters of job security, wages, benefits and classification. The Union is seeking wage increases in excess of the inflation rate, improved benefits and increased employee contributions where such is below 100 percent and wish to include improvements to the pension plan in this set of negotiations. The Council has made no offer in these areas.

A new classification system is now being implemented and both parties are anxious to put in place administrative and grievance procedures to deal with the administration of the new system. Considerable work is needed in this area.

The spirit and tone of the relations between the two parties are excellent and should auger well for a successful conclusion to this set of negotiations."

At the request of the parties in a letter dated July 6, 1987, Professor Gene Swimmer was appointed on July 8, 1987, to act as a mediator by the College Relations Commission.

At the time of writing negotiations were continuing.

2. ACADEMIC STAFF

On January 8, 1987 the Ontario Public Service Employees Union filed an intent to negotiate with the Ontario Council of Regents for Colleges of Applied Arts and Technology on behalf of the academic employees.

A joint request was received by the College Relations Commission from the Ontario Council of Regents for Colleges of Applied Arts and Technology and from the Ontario Public Service Employees Union on April 30, 1987 for the appointment of a fact finder in accordance with the provisions of Part III of the Colleges Collective Bargaining Act.

On June 2, 1987 the College Relations Commission appointed Mr. Ray Illing as a fact finder. Mr. Illing was formerly the Director of the Ontario Mediation and Conciliation Services Branch of the Ontario Ministry of Labour.

Mr. Illing submitted his report to the Commission and to the parties on June 23, 1987. The report was made public on July 13, 1987.

The fact finder's report contained the following comments:

"During the afternoon separate sessions, I asked for a perspective from each party on the bargaining to-date, how they viewed the issues between them in comparison to past bargaining, what were the key issues likely to prove most difficult to resolve, their assessment of their present relationship, and an expression on the chances of success in this bargaining without resort to confrontation.

As would be expected, in these circumstances, while both parties made efforts to respond to these questions during the separate sessions, neither party showed any great inclination to offer any significant insight to their bargaining strategies *at this stage*".

"Regardless of the extenuating circumstances outlined in this report with respect to the fact finding undertaking, it is quite apparent that such an undertaking would not only be time-consuming, but also quite pointless because of at least two profound collective bargaining facts.

First, the collective agreement does not expire until August 31, 1987, two and a half months from the date of my meeting with the parties. Frequently, parties have good intentions and a genuine desire to conclude a renewal prior to expiry of the existing collective agreement, but the absence of pressures and/or deadlines usually thwarts such a commendable endeavor.

In conclusion then, the meeting of June 15, 1987, served the purpose of providing a meaningful pause in the negotiations, allowing the parties to re-capitulate where they are at, and review where they are heading, and removed what the parties perceived to be an impasse.

I would hope and expect the parties will now schedule meetings and as previously stated, begin to make progress and considerably narrow down the items in dispute to the extent that further third party involvement will not be necessary, or at least, render such assistance more productive."

In a letter dated July 6, 1987, the parties requested the Commission to appoint Ray Illing to act as a mediator.

On July 9, 1987, the College Relations Commission appointed Mr. H. Ray Illing as a mediator.

Bargaining was continuing at the time of writing.

VI OTHER DEVELOPMENTS

During the reporting year, there were the following developments which may influence the relationships between the parties and future collective negotiations.

1. Grievance Mediation

This program is made available to the parties as part of the continuing effort by the College Relations Commission to fulfil its mandate under the **Colleges Collective Bargaining Act**. Grievance Mediation is a process designed to resolve grievances (differences that arise from the interpretation, application, administration or alleged contravention of the collective agreement) before the point of arbitration is reached. This mediation procedure is not a substitute for arbitration; it is however an attempt to solve a grievance with the assistance of a mediator appointed by the Commission.

The Commission will appoint a neutral third party when the grievance procedure has been exhausted, and prior to arbitration, if the parties both agree to this process. This third party will spend one day with the parties during which time they will try, in an informal and confidential manner, to settle the grievance. If the issue(s) cannot be settled, the parties maintain their right to proceed to arbitration.

The advantages of the grievance mediation process include the

following:

- **Attitudes**

Grievance Mediation helps dissipate negative attitudes which can develop within a school system when grievances inhibit or become an aspect of negotiations. The mediation effort assists in avoiding the black and white, win-lose situation that can lead to a deterioration of relations between the parties.

- **Control**

Grievance Mediation allows the parties themselves to shape the final settlement. If the grievance proceeds to arbitration, the settlement is imposed by an outsider to the college system.

- **Confidentiality**

Grievance Mediation is an attempt to solve a matter before it is reviewed and discussed in an arbitration hearing. The process provides an informal context enabling privacy and confidentiality.

- **Cost**

Grievance Mediation is generally less expensive than arbitration. The College Relations Commission underwrites the fees and expenses of the mediator.

- **Time**

Grievance Mediation is a method of solving disputes directly and as quickly as possible. Delays in obtaining a decision through arbitration can be a source of frustration to all concerned.

In summary:

- the process is **VOLUNTARY**
- **BOTH** parties must agree to the assistance
- the process is **not** designed to eliminate the adversary system
- issues in education can be both unusual and complex. For these reasons, the College Relations Commission appoints grievance mediators with particular knowledge of and experience in dispute resolution in education.

Grievance Mediation Appointments during this reporting period.

Date	College	Nature of Assistance
March 18, 1987	Algonquin	Five grievances resolved
May 6, 1987	Algonquin	Three grievances resolved
June 29, 1987	Algonquin	Four grievances in process
July 27, 1987	Humber	One grievance in process

2. Colleges Collective Bargaining Commission

Dr. Jeffrey Gandz was appointed Commissioner of the Colleges Collective Bargaining Commission by Order-in-Council dated January 28, 1987.

The Colleges Collective Bargaining Commission has been established to review and advise the Minister of Colleges and Universities on the effectiveness of the current College Collective Bargaining process. In particular, the Commission will examine whether:

- negotiations between unionized staff and the Ontario Council of Regents should continue on the basis now provided under the **Colleges Collective Bargaining Act**, 1975, and, if so, what changes should be made to facilitate the operation of the collective bargaining process in the light of experiences to date;
- negotiations should be conducted on some other basis, and if so, — who should be the parties to the negotiations, and in what manner should the negotiation process be carried out;
- restrictions, if any, should be placed in legislation on issues that may be included in collective agreements between the parties; and
- restrictions, if any, should be placed in legislation on eligibility for membership in the union.

Persons or organizations wishing to make their views known were invited to submit written briefs to the Commission before June 1, 1987.



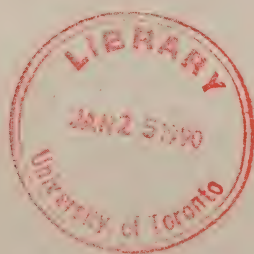
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Commission



Annual Report 1987-1988

COLLEGE
RELATIONS
COMMISSION
M5R 3J8

Telephone (416) 922-7679

111 Avenue Road
Suite 400
Toronto, Ontario

To: The Members of the Legislative Assembly Province of Ontario

ANNUAL REPORT
1987-1988

Dear Members,

I have the honour to present the Thirteenth Annual Report of the College Relations Commission, covering the period from September 1, 1987, to August 31, 1988.

A handwritten signature in dark ink, appearing to read 'Katherine Swinton', with a long horizontal flourish extending to the right.

Katherine E. Swinton
Chair
College Relations Commission
August 31, 1988



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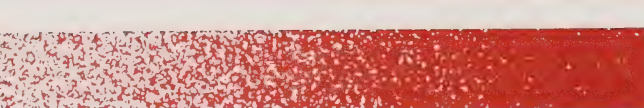
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I DUTIES OF THE COMMISSION

The College Relations Commission was established by section 55 of the Colleges Collective Bargaining Act, Revised Statutes of Ontario 1980, chapter 74. Its duties are:

- (a) to carry out the duties imposed on it by this Act and such other functions as may, in the opinion of the Commission, be necessary to carry out the intent and purpose of this Act;
- (b) to maintain an awareness of negotiations between the parties;
- (c) to compile statistical information on the supply, distribution, professional activities, and salaries of employees;
- (d) to provide such assistance to parties as may facilitate the making or renewing of agreements;
- (e) to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators, or selectors;
- (f) to determine, at the request of either party or in the exercise of its discretion, whether or not either of the two parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement;
- (g) to determine the manner of conducting and to supervise votes by secret ballot pursuant to this Act; and
- (h) to advise the lieutenant-governor in council when, in the opinion of the Commission, the continuance of a strike, lockout, or closing of a college or colleges will place in jeopardy the successful completion of courses of study by the students affected by the strike, lockout, or closing of the college or colleges.

The chief executive officer and secretary of the Commission is R.H. Field. The Commission's offices are at 111 Avenue Road, Suite 400, Toronto, Ontario MSR 3J8.



II MEMBERS AND ORGANIZATIONAL STRUCTURE

The College Relations Commission is composed of five members appointed by the lieutenant-governor in council. The term of appointment may range from one to three years, and each member of the Commission is eligible for reappointment upon the expiration of the term.

Dr. Bryan Downie's term as chair expired on October 30, 1987. Ms. Katherine E. Swinton was appointed as chair on November 1, 1987. Mr. David Allan Hayes was appointed vice-chair on May 11, 1988, replacing Mr. Gary O'Neill, whose term expired on December 21, 1987. Ms. Jane E. Scott resigned as commissioner on February 10, 1988, to accept an appointment as trustee with the Etobicoke Board of Education. Mrs. Trèva Legault Cousineau was appointed commissioner on May 11, 1988, to replace Ms. Scott.

MEMBERS OF THE COMMISSION

Chair: Katherine E. Swinton, B.A. Hon. - History (University of Alberta), LL.B. (Osgoode Hall Law School, York University), LL.M. (Yale University), Member of the Ontario Bar

Ms. Swinton (professor, Faculty of Law, University of Toronto) has served as chair of labour arbitration boards in the private and public sectors and has served as vice-chair of the Ontario Crown Employees' Grievance Settlement Board. She has published extensively in the area of labour relations and has co-edited *Studies in Labour Law*.

Vice-Chair: David Allan Hayes, B.A. (McMaster University), M.Ed. (University of Toronto)

Mr. Hayes is a retired educator. He has served as a supervisory officer with the Lincoln County Board of Education, both as a superintendent of curriculum and as an area superintendent.

As a supervisory officer with the Lincoln County Board of Education, Mr. Hayes developed and implemented the following programs: a complete evaluation system for all teaching and supervisory personnel, and special programs to assist general level students and to reduce the dropout rate among secondary school students. Mr. Hayes also developed a complete curriculum design, implementation, and review program for all programs – Kindergarten to Grade 13 – and a cooperative professional development program for teachers.

Commissioner: John Irwin Zeiler, B.A. (University of Toronto), LL.B. (University of Toronto)

Mr. Zeiler is a partner in the law firm of Leve and Zeiler, whose practice includes real estate and corporate, commercial, and estate work. He was the solicitor for the developer who registered the first condominium in Ontario. Mr. Zeiler has taught for the Ontario Real Estate Association, the Appraisal Institute of Canada, and more recently in the Department of Administrative Studies at York University, where he lectures in real property law and negotiations.

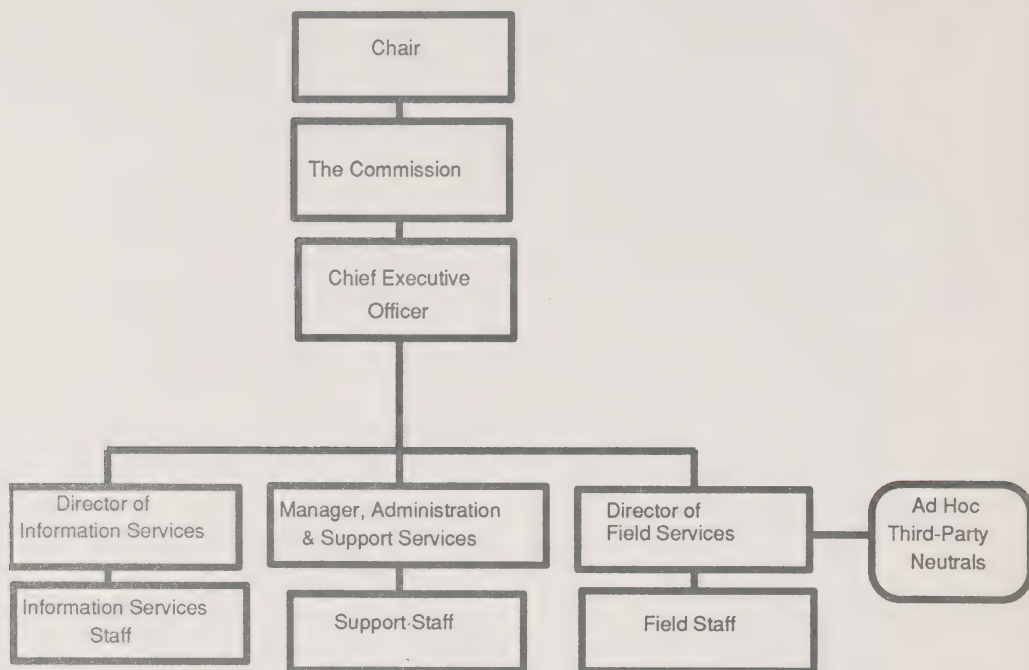
Commissioner: William John McNeil, B.Com. (University of Toronto)

Mr. McNeil has had fifteen years' experience as a teacher and vice-principal in North York and fifteen years' service as a field officer with the Ontario Secondary School Teachers' Federation. His past positions include president of District 13 of the OSSTF, governor of the Ontario Teachers' Federation, advisory board member on the provincial executive of the OSSTF, and former trustee of the Ontario Teachers' Insurance Plan. He is currently enrolled in the master's degree program in industrial relations at the University of Toronto.

Commissioner: Trèva Legault Cousineau, B.Sc. (University of Ottawa).

Ms. Cousineau (coordinator of French-language services at Sudbury Algoma Hospital) is a member of the board of governors of Cambrian College, Sudbury. She has served as chair and vice-chair of the Timmins District Roman Catholic School Board, member of the Commission on the Financing of Elementary and Secondary Education in Ontario, president of l'Association française des conseils scolaires de l'Ontario, chair of the Ontario School Trustees' Council, and member of the Ministry of Education's Advisory Committee on Special Education and Advisory Council on the Role of the Trustee.

ORGANIZATION CHART: THE COLLEGE
RELATIONS COMMISSION



III NEGOTIATION PROCESS

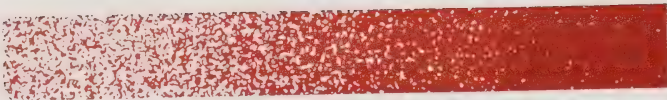
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- (a) a fact-finder has met with the parties and his or her report has been made public;
- (b) a fifteen-day cooling-off period takes place after the fact-finder's report is submitted to the parties;
- (c) after the members of the employee organization have voted – by secret ballot in a supervised vote – on the last offer of the Council of Regents; and
- (d) after the members of the employee organization have voted – by secret ballot in a supervised vote – to take strike action.

At any time during the process, the parties may choose voluntary binding arbitration or final-offer selection as an alternate means of dispute resolution.

The Commission maintains its awareness of the negotiation process from the time an intent to negotiate is filed by the parties until a collective agreement is signed. Particular attention is paid to the timing and appropriateness of appointments of fact-finders and mediators.

The conduct of votes – last-offer, strike, or ratification – has assumed major importance for the Commission. This is due not only to the number of votes that have been supervised, but also to the number of members of the employee organizations and the number of campuses involved.



IV STAFF AND FACILITIES

The Commission shares staff and facilities with the Education Relations Commission and has participated with that commission in training fact-finders, mediators, arbitrators, and selectors. For a more complete picture of this year's activities, reference should be made to the Thirteenth Annual Report of the Education Relations Commission.



V NEGOTIATIONS AND APPOINTMENTS

I. SUPPORT STAFF

On August 28, 1987, a memorandum of settlement covering all support staff bargaining-unit employees was signed by the negotiating committees for the Ontario Public Service Employees Union and the Ontario Council of Regents for Colleges of Applied Arts and Technology.

On September 24, 1987, the settlement was ratified by the membership as follows:

Number of ballots cast	4231
Number of spoiled ballots	12
Number of YES votes	3114
Number of NO votes	1085

Ballots segregated and not counted	20
------------------------------------	----

The agreement is of two years' duration, covering the period September 1, 1987, to August 31, 1989.

2. ACADEMIC STAFF

(a) The Settlement and Ratification

On March 3, 1988, a memorandum of settlement covering all academic staff bargaining-unit employees was signed by the negotiating committees of the Ontario Public Service Employees' Union and the Ontario Council of Regents for Colleges of Applied Arts and Technology.

On April 12, 1988, the settlement was ratified by the membership as follows:

Number of ballots cast	5063
Number of spoiled ballots	9
Number of YES votes	4550
Number of NO votes	486
Ballots segregated and not counted	18

The agreement is of two years' duration, covering the period from September 1, 1987, to August 31, 1989.

(b) Objection to the Conduct of the Vote

On April 13, 1988, an objection to the conduct of the vote was filed. It alleged that the "Notice of Taking of Vote" and the details of the collective agreement had not been posted. Posting is required by the policy of the Commission.

Following an investigation by the chief executive officer of the College Relations Commission, the objection to the conduct of the vote was dismissed.



VI OTHER DEVELOPMENTS

During the reporting year, there were the following developments, which may influence relationships between the parties and future collective negotiations.

I. Grievance Mediation

This program is made available to the parties as part of the continuing effort by the College Relations Commission to fulfil its mandate under the Colleges Collective Bargaining Act.

Grievance mediation is a process designed to resolve grievances (differences that arise from the interpretation, application, administration, or alleged contravention of the collective agreement) before the point of arbitration is reached. This mediation procedure is not a substitute for arbitration; it is, however, an attempt to settle a grievance with the assistance of a mediator appointed by the Commission.

The Commission will appoint a neutral third party when the grievance procedure has been exhausted and before arbitration, if both parties agree. This third party will spend one day with the parties, during which time he or she will try, in an informal and confidential manner, to settle the grievance. If the issue(s) cannot be settled, the parties maintain their right to proceed to arbitration.

The advantages of the grievance mediation process include the following:

- **Positive attitudes**
Grievance mediation helps dissipate the negative attitudes that can develop within a college system when grievances inhibit or become an aspect of negotiations. The mediation effort assists in avoiding the black-and-white, win-or-lose situation that can lead to a deterioration of relations between the parties.
- **Greater control**
Grievance mediation allows the parties themselves to shape the final settlement. If the grievance proceeds to arbitration, the settlement is imposed by an outsider to the college system.
- **More confidentiality**
Grievance mediation is an attempt to solve a matter before it is reviewed and discussed in an arbitration hearing. The process provides an informal context, enabling privacy and confidentiality.

- **Lower cost**
Grievance mediation is generally less expensive than arbitration. The College Relations Commission underwrites the fees and expenses of the mediator.
- **Less time**
Grievance mediation is a method of solving disputes directly and as quickly as possible. Delays in obtaining a decision through arbitration can be a source of frustration to all concerned.

In summary:

- The process is voluntary.
- Both parties must agree to the assistance.
- The process is not designed to eliminate the adversary system.
- Issues in education can be both unusual and complex. For these reasons, the College Relations Commission appoints grievance mediators with particular knowledge of and experience in dispute resolution in education.

2. Colleges Collective Bargaining Commission

Dr. Jeffrey Gandz was appointed commissioner of the Colleges Collective Bargaining Commission by order-in-council dated January 28, 1987.

On January 27, 1988, Dr. Gandz submitted the report of the Colleges Collective Bargaining Commission to the Honourable Lyn McLeod, Minister of Colleges and Universities.

Dr. Gandz's recommendations follow as they appeared in the report.

Summary of Recommendations

(Recommendations marked with an asterisk will require legislative action.)

Recommendation #1*

An amended Colleges Collective Bargaining Act should be introduced. This amended Act should retain certain key features of the current Act, including the right to strike and lock out, the deemed strike provision, and designated bargaining units.

Major amendments should include a newly designated bargaining agent for the colleges, reconstructed bargaining units, unrestricted scope of bargaining, the encouragement of local bargaining to supplement or vary the provincial agreement, and radically altered timelines and procedures governing strikes and lockouts.

Recommendation #2

Collective bargaining should continue to take place at the provincial level, although local bargaining should be strongly encouraged within this provincial framework.

Recommendation #3

Local bargaining should be encouraged by:

- (a) Adding an amendment to the CCBA which includes a preamble legitimizing and encouraging local bargaining. This preamble should include the phrase:

“and whereas it is in the public interest to encourage local bargaining over issues of concern to a particular college of applied arts and technology and a local employee organization...”

- (b) Amending the duty of fair representation in 5.76 of the CCBA as follows:

“An employee organization shall not act in a manner that is arbitrary, discriminatory, or in bad faith in the representation of any of the employees, whether members of the employee organization or not, and shall pay due regard to local issues when bargaining on their behalf.

“The employer bargaining agency shall not act in a manner that is arbitrary, discriminatory, or in bad faith in the representation of any of the colleges of applied arts and technology and shall pay due regard to local issues when bargaining on their behalf.”

- (c) Adding a new section to the CCBA entitled ‘Local Bargaining’ as follows:

“Notwithstanding anything in this Act, the parties, through their local representatives, may enter into local agreements applicable only to a particular college of applied arts and technology.”

Recommendation #4

The government should allow the designated bargaining agent for the colleges to develop a realistic bargaining mandate within the framework of fiscal, policy, and program control of the colleges.

Recommendation #5

The government should refrain from interfering in the bargaining process unless, and until, a state of jeopardy has been declared by the College Relations Commission.

Recommendation #6

The funding mechanism used by the Ministry of Colleges and Universities and the estimates of program costs used by the Ministry of Skills Development should reflect reasonable estimates of costs and conditions of settlements to be negotiated by the bargaining agent.

Recommendation #7

The collective bargaining functions and responsibilities currently performed by the Staff Relations/Benefits Unit of the Ministry of Colleges and Universities should be transferred to the bargaining agent.

Recommendation #8*

The bargaining agent for the colleges should be a compulsory employers' association, provisionally entitled the Colleges Employee Relations Association (CERA). Each college, as a corporate entity, should be a member of CERA.

CERA should have a governing body consisting of the presidents of the colleges as the designated representatives of their colleges. This governing body should elect an executive committee of five presidents, representing a range of both size of college and geographical location. The executive committee should act as the negotiations steering committee.

Recommendation #9

No change should be made in the legislation covering the bargaining agent for employees, other than specific changes recommended in subsequent chapters of this report. (The Report of the Colleges Collective Bargaining Commission).

Recommendation #10

A Colleges Employee Relations Directorate (CERD) should be established and be financed by a levy on each college.

This directorate should report to CERA, through its executive committee, and be responsible for research related to negotiations, forecasting the costs of settlement, developing a negotiating mandate with the colleges and the Ministry of Colleges and Universities, conducting negotiations (assisted by a negotiating team selected from the colleges), and the processing of 'college', 'policy' or 'union' grievances with system-wide implications.

CERD should be headed by an Employee Relations Director, who would be a senior and experienced employee relations professional. Other staff should include an employee relations officer, an analyst, and clerical assistance.

Recommendation #11

The Colleges Employee Relations Directorate (CERD) should provide information on long-term trends in employee related costs to the Council of Regents.

Recommendation #12

The Colleges Employee Relations Directorate (CERD) should undertake consultations over salaries, benefits, and working conditions with the Provincial Administrative Staff Association (PASA), or any other organization which can demonstrate that it represents substantial numbers of non-unionized employees.

Recommendation #13

The Ministry of Colleges and Universities should adjust its funding to the Colleges so that they can establish CERD. This is estimated as \$750,000 per year in current dollars. Since it is recommended that CERD take over many of the functions now performed by the Staff Relations/Benefits Unit of the Ministry, the net new expenditure is expected to be minimal.

Recommendation #14

The Ministry of Colleges and Universities should provide funding to the colleges and the College Relations Commission for the development of a comprehensive, system-wide, human resource information system for use at both local and provincial levels. This should be done by CERD in cooperation with OPSEU and the College Relations Commission. The one-time cost should be approximately \$200,000.

Recommendation #15

Major decisions within CERA, including ratification of mandates and collective agreements, should be by a 'double majority' system, requiring a majority of the colleges which also represent a majority of the members of the respective bargaining units.

Recommendation #16*

Ratification of collective agreements by the union should also follow this double majority process but be based on a majority of colleges and a majority of votes cast overall.

Recommendation #17*

Amend the CCBA to provide for a category of 'system-wide' grievances. Such grievances will be considered to be between the Colleges Employee Relations Association (CERA) and the employee organizations.

Recommendation #18

Transfer the functions of the Staff Relations/Benefits Unit of MCU to the Colleges Employee Relations Directorate. Include in the mandate of CERD the responsibility for giving advice to the colleges on the administration of the collective agreements while ensuring that actual administration remains at the local colleges level except for 'system-wide' grievances.

Recommendation #19

CERD should develop, in cooperation with the senior human resource managers in the colleges, and the employee organizations, a training and development program in contract administration knowledge and skills, which is based on the colleges' collective agreements and which becomes part of the professional development of academic and support staff administrators and managers, as well as stewards and other union officers.

Recommendation #20

Competence in contract administration activities should be included as a performance criterion in the performance appraisal systems that the colleges use for managers and administrators.

Recommendation #21

CERD should adopt the practice of collecting, analyzing, and disseminating interpretations of arbitration awards issued within the system. This should include awards under workload and classification provisions, even though such awards may not be binding on other colleges.

Recommendation #22

Each college should have a senior human resource management professional, at the vice-president level, who participates actively in executive committee decisions even if they do not apparently involve narrowly defined employee relations matters.

Recommendation #23

CERD should develop an employee relations survey in cooperation with the colleges and OPSEU. This survey should be administered on at least a bi-annual basis to track the employee relations climate.

Recommendation #24*

Allow all employees collective bargaining rights under the CCBA with the exception of those who:

- exercise managerial functions;
- are employed in a confidential capacity in matters relating to collective bargaining;
- are students at a college working at a placement under a cooperative program;
- are members of professions which do not permit unionization (architecture, medicine, dentistry, engineering and law) if they are employed in the colleges in their professional capacities;
- are engaged and employed outside Ontario;
- are graduates of colleges of applied arts and technology during the period of twelve (12) months immediately following completion of a course of study at the college by the graduate if the employment of the graduate is associated with a certification, registration or other licencing requirement.

Recommendation #25*

Restructure the bargaining units defined in Schedules 1 and 2 of the CCBA to read as follows:

- A1. Teachers, counsellors, and librarians who usually teach more than six (6) hours per week except supply teachers.
- A2. Teachers, counsellors, and librarians who usually teach six (6) or less hours per week and supply teachers.
- S1. Support staff who usually work more than seven (7) hours per week.
- S2. Support staff who usually work seven (7) or less hours per week.

Recommendation #26*

The current bargaining agent should continue as the designated bargaining agent for the A1 and S1 bargaining units. While the A2 and S2 bargaining units would have the right to bargain collectively, any employee organization wishing to represent them should have to apply for certification and such certification should only be granted on a province wide basis based on a 'double majority' process.

Recommendation #27*

Allow OPSEU and CERA a period of twelve (12) months from the date of proclamation of amendments to the CCBA to negotiate terms and conditions of employment for the various categories of employees who will be accorded bargaining and representation rights. If they are unable to reach agreement, the terms and conditions of employment should be referred to binding arbitration.

This period of twelve (12) months should be adjusted depending on the date of proclamation of legislative amendments so that the resolution of this matter precedes the negotiation of a new collective agreement.

Recommendation #28*

The Colleges Collective Bargaining Act should include the following provisions relating to the negotiation of collective agreements for academic and support staff bargaining units:

- (a) The termination date of the collective agreement shall be left to the parties themselves to negotiate.
- (b) Notice to bargain shall be given 90 days before the expiry of a collective agreement and the parties shall meet within thirty days of the serving of notice to bargain in good faith.
- (c) The union may vote to strike, or the employer may vote to lock out at such time as each may decide, but no strike or lockout shall be permitted until 30 days of notice of strike or lockout has been given and the collective agreement has expired.
- (d) Such votes shall be supervised by the College Relations Commission. They shall be valid for a period of three (3) months after such time the parties will be required to hold another vote before strike or lock-out action is taken.

- (e) Within three (3) days of notice to strike or lock-out being given, the College Relations Commission shall appoint a mediator who, within a further five (5) days, shall recommend whether a fact-finder should be appointed.
- (f) In the event that a fact-finder is appointed, the appointment shall be made within three (3) days of the recommendation in (e) above. The fact finder shall meet with the parties and prepare a report for distribution to the parties and the public within 15 days of the appointment.
- (g) No strike or lockout shall occur until five (5) days after the release of the fact finder's report or the final offer vote in (h), below.
- (h) At any time up to five (5) days before a strike is to occur, the employer may request a vote on its final offer and such a vote shall be conducted by the CRC within five (5) days of such request being made and the strike date shall be postponed by five (5) days. This offer shall be presented to the union at the time that the request is made.
- (i) Notwithstanding any of the above, the CRC may appoint a mediator at any time that it judges such an appointment to be appropriate.

Recommendation #29

The College Relations Commission should substantially revise its procedures for conducting supervised votes with a view to improving the effectiveness of supervision.

Recommendation #30*

A new CAAT pension plan should be developed with one half of the pension board's members being union representatives. The chair of the pension board should be a neutral, appointed by the government following consultation with the colleges and the union, who shall only cast a vote in the event of a tie.

Recommendation #31*

The prohibition on the negotiation of superannuation (pensions) should be removed from the Colleges Collective Bargaining Act.

Recommendation #32*

The mandate of the CRC should be amended to include all judicial and quasi-judicial functions relating to collective bargaining in the colleges, including, but not limited to, matters of certification, the composition of bargaining units, determination of unfair labour practices, and charges of bad faith bargaining.

Recommendation #33

A further \$200,000 should be appropriated for its annual budget to add a colleges employee relations officer, to fund the development and maintenance of a colleges' collective bargaining data base, and to offer a program for local employee relations improvement to the colleges.

Recommendation #34

The College Relations Commission should review its procedures for carrying out supervised votes in the colleges and work with both union representatives and representatives of college administration to streamline and improve these procedures.

Recommendation #35

Parties should select bargaining team members for their interpersonal skills as well as for their knowledge of the issues.

Recommendation #36

Parties should prepare all bargaining team members thoroughly so that the inexperienced members are aware of the emotional demands of negotiations and how to cope with them.

Recommendation #37

Parties should prepare and discuss an explicit statement of the desired relationship which should emerge from bargaining, review this statement periodically during the negotiations and review all communications about the bargaining process against the explicit statement developed above.

Recommendation #38

Parties should jointly, during bargaining, take some time to discuss the relationship that is emerging from bargaining as well as the substantive issues.

APPENDIX

Statement of Expenditures

April 1, 1987 - March 31, 1988

<u>Categories</u>	<u>Budget Allocation \$</u>	<u>Actual Expenditures \$</u>
Transportation & Communications		
Communications	500	0
Postage, Courier	500	137
Travel - Conferences	2 000	0
Accommodation & Food	0	254
Air Travel	0	277
Road Travel	0	155
Travel - Other	<u>7 000</u>	<u>7 621</u>
Total Transportation & Communications	10 000	8 444
Services		
Services	(2 400)	0
Other Communications	2 000	0
Catering	2 000	695
Per Diems	5 000	495
Professional Services	24 000	0
Professional Services, Commercial	0	14 900
Other Services	35 000	33 402
Total Services	65 600	49 492
Supplies & Equipment		
EDP Equipment	0	13 030
Office	500	161
Books	<u>1 500</u>	<u>5 380</u>
Total Supplies & Equipment	2 000	18 571
Total Budget Allocation		
Total Actual Expenditures	77 600	76 507



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College Relations Commission

Annual Report

1988-1989

College
Relations
Commission

Telephone (416) 922-7679

111 Avenue Road
Suite 400
Toronto, Ontario
M5R 3J8

To: The Members of the Legislative Assembly Province of Ontario

Annual Report
1988-1989

Dear Members,

I have the honour to present the Fourteenth Annual Report of the College Relations Commission, covering the period from September 1, 1988, to August 31, 1989.

Katherine E. Swinton
Chair
College Relations Commission
August 31, 1989

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 April 1, 1988 to March 31, 19897

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I DUTIES OF THE COMMISSION

The College Relations Commission was established by section 55 of the Colleges Collective Bargaining Act, Revised Statutes of Ontario 1980, chapter 74. Its duties are:

- (a) to carry out the duties imposed on it by this Act and such other functions as may, in the opinion of the Commission, be necessary to carry out the intent and purpose of this Act;
- (b) to maintain an awareness of negotiations between the parties;
- (c) to compile statistical information on the supply, distribution, professional activities, and salaries of employees;
- (d) to provide such assistance to parties as may facilitate the making or renewing of agreements;
- (e) to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators, or selectors;
- (f) to determine, at the request of either party or in the exercise of its discretion, whether or not either of the two parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement;
- (g) to determine the manner of conducting votes and to supervise votes by secret ballot pursuant to this Act; and
- (h) to advise the lieutenant-governor in council when, in the opinion of the Commission, the continuance of a strike, lockout, or closing of a college or colleges will place in jeopardy the successful completion of courses of study by the students affected by the strike, lockout, or closing of the college or colleges.

The chief executive officer and secretary of the Commission is Robert E. Saunders. The Commission's offices are at 111 Avenue Road, Suite 400, Toronto, Ontario M5R 3J8.

II MEMBERS AND ORGANIZATIONAL STRUCTURE

The College Relations Commission is composed of five members appointed by the lieutenant-governor in council. The terms of appointment range from one to three years, and each member of the Commission is eligible for reappointment upon the expiration of the term.

Ms. Katherine E. Swinton was appointed as chair on November 1, 1987. Mr. David Allan Hayes was appointed vice-chair on May 11, 1988. Mrs. Trèva Cousineau was appointed as commissioner on May 11, 1988. Both Mr. John Irwin Zeiler and Mr. William John McNeil were appointed as commissioners March 6, 1989.

Members of the Commission

Chair: Katherine E. Swinton, B.A. Hon. - History (University of Alberta), LL.B. (Osgoode Hall Law School, York University), LL.M. (Yale University), Member of the Ontario Bar

Ms. Swinton, a professor in the Faculty of Law at the University of Toronto, has served as chair of labour arbitration boards in the private and public sectors and as vice-chair of the Ontario Crown Employees' Grievance Settlement Board. She has published extensively in the area of labour relations and has co-edited *Studies in Labour Law*.

Vice-Chair: David Allan Hayes, B.A. (McMaster University), M.Ed. (University of Toronto)

Mr. Hayes is a retired educator. He has served as a supervisory officer with the Lincoln County Board of Education, both as a superintendent of curriculum and as an area superintendent. As a supervisory officer, Mr. Hayes developed and implemented a complete evaluation system for all teaching and supervisory personnel, and special programs to assist general level students and reduce the dropout rate among secondary school students. Mr. Hayes also developed a complete curriculum design, implementation, and review program for all programs -- Kindergarten to Grade 13 and a co-operative professional development program for teachers.

Commissioner: John Irwin Zeiler, B.A. (University of Toronto), LL.B. (University of Toronto)

Mr. Zeiler is a partner in the law firm of Leve and Zeiler, whose practice includes real estate and corporate, commercial, and estate work. He was the solicitor for the developer who registered the first condominium in Ontario.

Mr. Zeiler has taught for the Ontario Real Estate Association, the Appraisal Institute of Canada, and more recently in the Department of Administrative Studies at York University, where he lectures in real property law and negotiations.

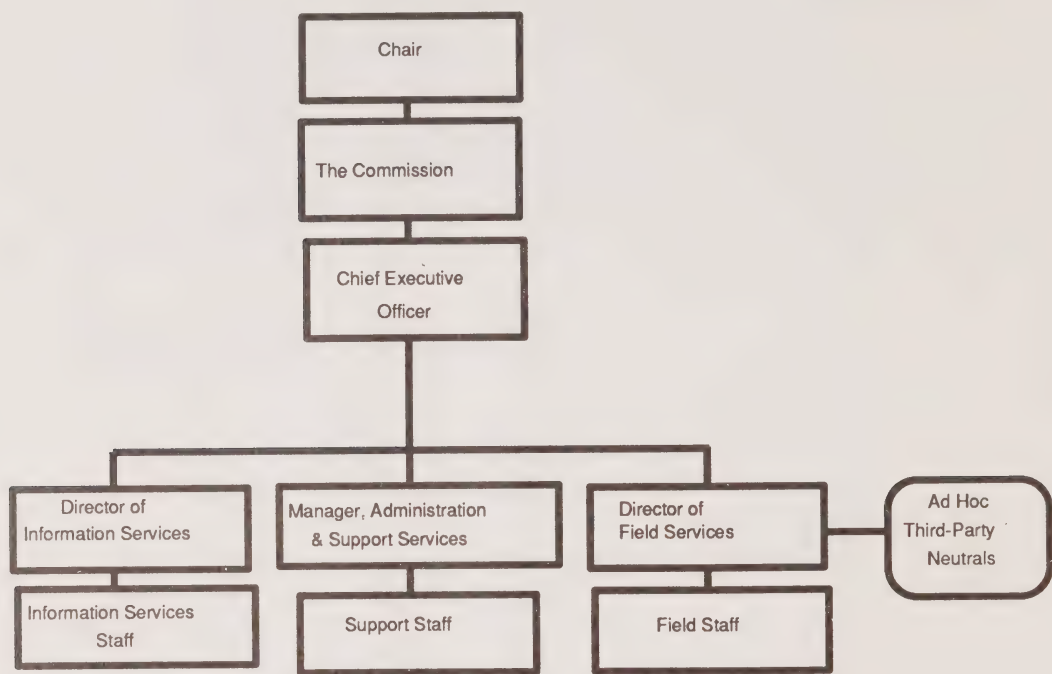
Commissioner: William John McNeil, B.Com. (University of Toronto)

Mr. McNeil has had fifteen years' experience as a teacher and vice-principal in North York and fifteen years' service as a field officer with the Ontario Secondary School Teachers' Federation. His past positions include president of District 13 of the OSSTF, governor of the Ontario Teachers' Federation, advisory board member of the provincial executive of the OSSTF, and former trustee of the Ontario Teachers' Insurance Plan. He is currently enrolled in the master's degree program in industrial relations at the University of Toronto.

Commissioner: Trèva Legault Cousineau, B.Sc. (H. Ed.) (University of Ottawa), R.P.Dt.

Ms. Cousineau is co-ordinator of French-Language Services for the Ministry of Community and Social Services, North Central Area, and a member of the board of governors of Cambrian College, Sudbury. She has served as chair and vice-chair of the Timmins District Roman Catholic School Board, member of the Commission on the Financing of Elementary and Secondary Education in Ontario, president of l'Association française des conseils scolaires de l'Ontario, chair of the Ontario School Trustees' Council, and member of the Ministry of Education's Advisory Committee on Special Education and Advisory Council on the Role of the Trustee.

Organization Chart:
The College Relations Commission



III NEGOTIATION PROCESS

The mandate of the College Relations Commission to maintain an awareness of and facilitate collective negotiations between the Ontario Council of Regents for Colleges of Applied Arts and Technology, as employer, and the Ontario Public Service Employees Union, representing the academic and support staffs - is contained in the Colleges Collective Bargaining Act. Passed in 1975 and revised in 1980, this Act gives the academic and support staffs the right to strike and gives the Ontario Council of Regents for Colleges of Applied Arts and Technology the right to lock out. These rights, however, are regulated. For example, a strike or lockout is not legal until:

- (a) a fact finder has met with the parties and his or her report has been made public; and
- (b) a fifteen-day cooling-off period takes place after the fact finder's report is submitted to the parties; and
- (c) the members of the employee organization have voted by secret ballot in a supervised vote – on the last offer of the Council of Regents; and
- (d) the members of the employee organization have voted – by secret ballot in a supervised vote – to take strike action.

At any time during the process, the parties may choose voluntary binding arbitration or final-offer selection as an alternate means of dispute resolution.

The Commission monitors the negotiation process from the time an intent to negotiate is filed by the parties until a collective agreement is signed. Particular attention is paid to the timing and appropriateness of appointments of fact finders and mediators.

The conduct of votes – last offer, strike, or ratification – has assumed major importance for the Commission. This is due not only to the number of votes that have been supervised, but also to the number of members of the employee organizations and the number of campuses involved.

IV STAFF AND FACILITIES

The Commission shares staff and facilities with the Education Relations Commission and has participated with that commission in training fact finders, mediators, arbitrators, and selectors. For a more complete picture of this year's activities, reference should be made to the Fourteenth Annual Report of the Education Relations Commission.

V NEGOTIATIONS AND APPOINTMENTS

The current agreements between the Council of Regents and the Ontario Public Service Employees Union expired on August 31, 1989. Notice was filed by the union to renegotiate the agreements and negotiations began. After several negotiating sessions failed to result in new agreements, fact finders were appointed to assist in the negotiations and their reports were made public before the expiry of the old agreements. The fact-finders were Mr. Douglas Lawless for the support staff and Dr. William Marcotte for the academic staff..

VI OTHER DEVELOPMENTS

On November 21, 1988, Maureen Saltman was appointed as a grievance mediator to resolve a grievance at Algonquin College and was able to assist the parties in achieving a mutually satisfactory resolution.

As a result of a dispute over workload and the application of the collective agreement at Fanshawe College, the Commission was asked to appoint, in accordance with the terms of the agreement, a workload resolution arbitrator. Dr. David Whitehead was appointed on March 9, 1989, to resolve the matter and has issued a decision.

APPENDIX

Statement of Expenditures
April 1, 1988 - March 31, 1989

<u>Categories</u>	<u>Budget Allocation</u>	<u>Actual Expenditures</u>
Transportation & Communications	\$10 000	\$1 286
Services	42 700	32 975
Supplies & Equipment	1 500	2 833
Total Budget Allocation	\$54 200	
Total Actual Expenditures		\$37 094

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Government
Publications

COLLEGE RELATIONS COMMISSION

Annual Report

1989-1990



Ontario

College
Relations
Commission



Ontario

College
Relations
Commission

La commission
des relations de travail
dans les collèges

Commission
des R.R.
des collèges
1400 St. Lawrence
East
Toronto, Ontario
M5S 1A5
Tel: (416) 392-1000
Fax: (416) 392-1001

1111 University Avenue
Toronto, Ontario
M5S 1A5
Tel: (416) 392-1000
Fax: (416) 392-1001

**The Members of the Legislative Assembly
Province of Ontario**

Dear Members,

I have the honour to present the Fifteenth Annual Report of the College Relations Commission, covering the period from September 1, 1989 to August 31, 1990.

Katherine E. Swinton
Chair
College Relations Commission

August 31, 1990



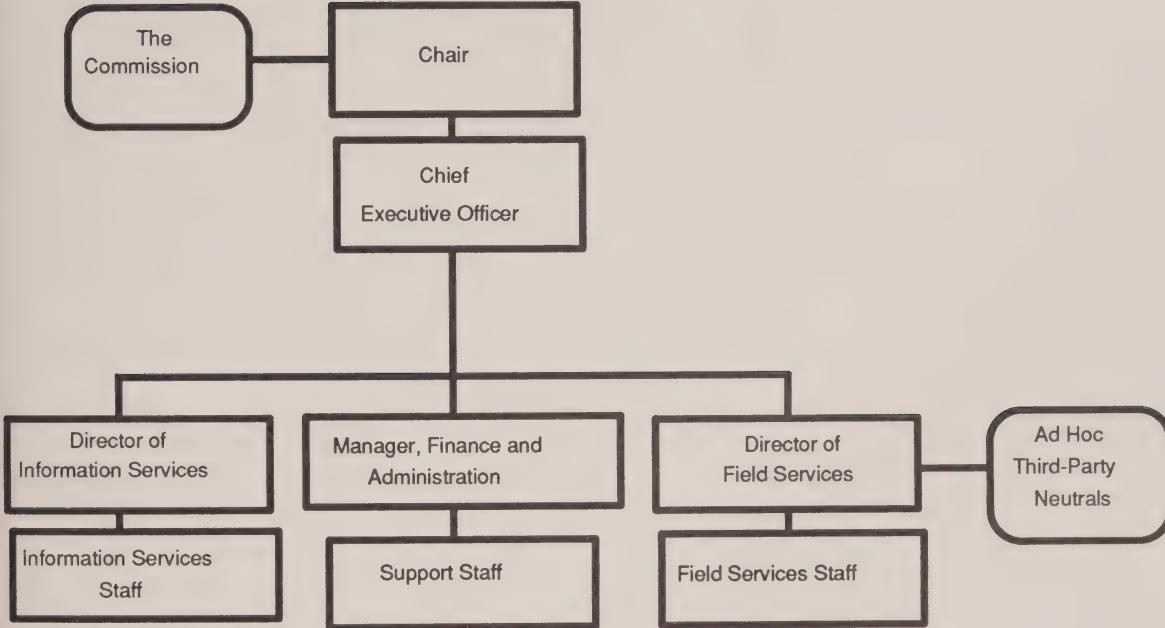
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Members	<p>The College Relations Commission is composed of five members appointed by the Lieutenant Governor in Council. The terms of appointment range from one to three years, and each member of the commission is eligible for reappointment upon the expiration of the term.</p> <p>Ms. Katherine E. Swinton was appointed as chair on November 1, 1987. Mr. David Allan Hayes was appointed as vice-chair on May 11, 1988. Mrs. Trèva Legault Cousineau was appointed as commissioner on May 11, 1988. Both Mr. John Irwin Zeiler and Mr. William John McNeil were appointed as commissioners on March 6, 1989.</p>
Organizational Structure	<p>The College Relations Commission is served by the staff, and uses the facilities, of the Education Relations Commission (ERC). It has also been able to draw upon the third party neutrals used by the ERC.</p> <p>The ERC has a permanent 17-member staff assigned to Field Services and Information Services. All appointments and major decisions and determinations are made by the commission; however, the day-to-day operations of the commission are managed by the chief executive officer. The chief executive officer and secretary of the ERC is Robert E. Saunders. The commissions' offices are at 111 Avenue Road, Suite 400, Toronto, Ontario M5R 3J8.</p>
Establishment	<p>The College Relations Commission was established in 1975 under section 55 of the Colleges Collective Bargaining Act, Revised Statutes of Ontario 1980, chapter 74. This Act was adopted at the same time as the School Boards and Teachers Collective Negotiations Act, and the two statutes share a basic framework to govern the negotiations process.</p>
Duties	<p>The duties of the College Relations Commission are set out in subsection 56 (1) of the Colleges Collective Bargaining Act.</p> <p>It is the duty of the Commission :</p> <ul style="list-style-type: none">(a) to carry out the duties imposed on it by this Act and such other functions as may, in the opinion of the Commission, be necessary to carry out the intent and purpose of this Act;(b) to maintain an awareness of negotiations between the parties;(c) to compile statistical information on the supply, distribution, professional activities, and salaries of employees;

- (d) to provide such assistance to parties as may facilitate the making or renewing of agreements;
- (e) to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators, or selectors;
- (f) to determine, at the request of either party or in the exercise of its discretion, whether or not either of the two parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement;
- (g) to determine the manner of conducting votes and to supervise votes by secret ballot pursuant to this Act; and
- (h) to advise the Lieutenant Governor in Council when, in the opinion of the Commission, the continuance of a strike, lock-out, or closing of a college or colleges will place in jeopardy the successful completion of courses of study by the students affected by the strike, lock-out, or closing of the college or colleges.

ORGANIZATION CHART: The College Relations Commission



II OVERVIEW OF NEGOTIATIONS

The Negotiation Process

The mandate of the College Relations Commission to maintain an awareness of and facilitate collective negotiations between the Ontario Council of Regents for Colleges of Applied Arts and Technology, as employer, and the Ontario Public Service Employees Union, representing the academic and support staffs, is contained in the Colleges Collective Bargaining Act. Passed in 1975 and revised in 1980, this Act gives the academic and support staffs the right to strike and gives the Ontario Council of Regents for Colleges of Applied Arts and Technology the right to lock out. These rights, however, are regulated. For example, a strike or lockout is not legal until:

- (a) a fact finder has met with the parties and his or her report has been made public; and
- (b) a fifteen-day cooling-off period takes place after the fact finder's report is submitted to the parties; and
- (c) the members of the employee organization have voted, by secret ballot, in a supervised vote on the last offer of the Council of Regents; and
- (d) the members of the employee organization have voted, by secret ballot, in a supervised vote to take strike action.

At any time during the process, the parties may choose voluntary binding arbitration or final offer selection as an alternate means of dispute resolution. The commission monitors the negotiation process from the time an intent to negotiate is filed by the parties until a collective agreement is signed. Particular attention is paid to the timing and appropriateness of appointments of fact finders and mediators. The conduct of votes – last offer, strike, or ratification – has assumed major importance for the Commission. This is due not only to the number of votes that have been supervised, but also to the number of members of the employee organization and the number of campuses involved.

The negotiation process between the support staff and the council has normally been successful in bringing the parties to agreement. The process between the academic staff and the council has been more difficult, sufficiently so that in 1987 a commission was formed. Professor Jeffrey Gandz was appointed to review the whole bargaining process. His report, released in January 1988, made a number of recommendations for changes in the framework of the negotiating process and the administration of the Act. The most significant, from the commission's own perspective, were recommendations 33 and 34.

- 33. A further \$200,000 should be appropriated for its annual budget to add a colleges employee relations officer, to fund the development and maintenance of a colleges collective bargaining data base, and to offer a program for local employee relations improvement to the colleges.

34. The College Relations Commission should review its procedures for carrying out supervised votes in the colleges and work with both union representatives and representatives of college administration to streamline and improve these procedures.

The Ministry of Colleges and Universities prepared an outline response to the recommendations in February 1989 that raised a number of issues, but the ministry, while receiving responses from the parties, has proceeded no further.

The commission believes that Professor Gandz's recommendation to provide more information to assist in the bargaining and for a greater use of information in the negotiations would be beneficial to the parties. His recommendation received indirect further support when the arbitrator in the academic-staff dispute ordered the establishment of a joint task force on academic wages and benefits to develop a framework of comparison indicators and parameters and to provide for the establishment and maintenance of a data base to support the bargaining. Such a step would, however, necessitate the allocation of funding to the commission to provide staff for such a service.

Negotiations 1989

As was noted in the 1988-1989 annual report, the agreements between the Council of Regents and the Ontario Public Service Employees Union expired on August 31, 1989. During the spring of 1989, the parties spent a great deal of time in negotiations discussing procedures and substantive issues, but there was little movement towards agreement except on minor items. At the request of the parties, the commission appointed fact finders to assist in the bargaining. Mr. Douglas Lawless was appointed for the support staff and Dr. William Marcotte for the academic staff. Their reports were made public before the old agreements expired.

The flavour of the negotiations in the academic sector may be seen in the fact finder's report of August 3, 1989.

The parties' presentations on the matters agreed upon and remaining in dispute lacked a degree of precision that would allow me to comment, with specificity, on the particular clauses or articles which they separately or jointly wish to amend, delete, modify or alter in some fashion, or, as to additions to the agreement that they propose, either separately or jointly. That is not to say that a close examination of the documents would not allow me to identify the particular items agreed upon or remaining in dispute. Rather, in the hearing, the parties chose to follow a course of presentation that focused more on the process-qua-process of negotiations than on the negotiatory subject-matters.

The parties' presentations at fact finding centred on two intertwined themes: the role of fact finding and the negotiations process governed by the Act. The union submitted that its reason for requesting fact finding was based on the legislated requirement that it must occur as part of the process as provided for in the Act. The union further submitted that, since fact finding is a mandatory

requirement, it wished to conform to that part of the Act which requires fact finding in order to gain access to those procedures for which it is a condition precedent. In regard to the role of fact finding in the process, aside from its legislated necessity, the union submitted that the "sanctity of the negotiations process" dictates that unresolved matters must be settled, bilaterally, between the parties, and, that their attempted resolution, by way of non-binding recommendations from a fact finder, would serve little purpose, especially given the abstruse nature of the parties' collective agreement.

For its part, the council concurred with the union's presentation, but in a narrower fashion. It was the council's position, in effect, that given the present stage of negotiation, and given both the issues in dispute and the parties' positions on them, it, as well, was of the view that a fact finder's recommendations may not have a useful purpose in the current round of negotiations. The council, therefore, also requested that I refrain from making recommendations for settlement or for purposes of establishing a framework for settlement concerning the issues that remain in dispute.

Pursuant to s.4(2) of the Act, the parties' collective agreement expires on August 31, 1989. Thus, this fact-finding process was instigated on the basis that an impasse has been reached in the negotiations process. The "impasse" is said to have occurred when, on May 31, 1989, the union rejected the council's "Offer For Settlement", pursuant to s.59(1)(d), by a vote of approximately 90% against and 10% in favour of the offer. In the hearing, however, it was made obvious that the "impasse" which triggered the fact-finding process is not considered by the parties to be a true impasse in the sense that their differences are irreconcilable.

As previously stated, the reason for the parties' request for fact finding is simply to conform to the legislated requirement that this form of third-party assistance must occur as a condition precedent should the parties elect to opportune themselves of certain other courses of action available under the Act. The union's position, as to the efficacy of fact finding, is consistent with its historical perception of this form of third-party assistance Re: Report of the Colleges Collective Bargaining Commission (1985), 252 (Gandz). On the other hand, the council's position appears to be based on the current status of the negotiations and reflects a concern that, given the state of affairs in this particular round, a fact finder's recommendations, at the very least, would be premature.

As matters now stand, the union has rejected, by a wide margin, the council's offer for settlement. This rejection, however, was not unexpected by either party. Indeed, at the hearing, the vote that the Act identifies, in s.59 (1) (d), as "the last offer received" by the union, was referred to as the "rejection vote". Neither the council nor the union views the terms and conditions contained in the council's offer as its "final offer" on the matters remaining in dispute.

Thus, what has actually been offered and rejected is simply the positions held by the council on outstanding items as of May 31, 1989. It is no wonder that recommendations on the part of a fact finder are not viewed, at this stage, as potentially useful.

On the basis of the foregoing, I share the parties' perceptions of the Futility of making recommendations for settlement on outstanding matters. That said, however, I am concerned that, there are major items remaining in dispute. This concern, moreover, stems from the parties' demonstrated inability, over an extended number of years, to conclude their negotiations in short order and without extensive third-party involvement. And while this circumstance may have changed, since the parties have recently (in the short part) resolved major elements of the long-standing, fractious matter of workload (the publicly-identified issue that was a major cause of a short-lived strike by the union in the Fall of 1984), I am less optimistic than is the union that the "sanctity of the negotiations process", will result in a collective agreement without, to continue the metaphor, "eschatological" events, ranging from unnecessarily protracted negotiations (which tend to breed intransigence) to invocation of sanctions, i.e., strike or lock-out.

Rather than desiring an outside, informed view of the negotiations with advice to assist, the parties very evidently wanted pressure to be the catalyst in the negotiations.

The commission appointed Mr. Terry Mancini, a very experienced and successful mediator, to work with the parties in the academic sector to assist in reaching an agreement. In the support staff negotiations, Dr. Gene Swimmer of Carleton University, another effective mediator whom the commission had appointed in the role in previous negotiations, was appointed as mediator. Each met with the parties for several days in the late summer and, while they were able to move the parties towards a tentative resolution of some issues, much remained to be done when the agreements expired and the colleges reopened.

In the support staff negotiations, the union filed for last offer and strike votes to be held on Wednesday, September 13, 1989. While the council's last offer was rejected by about a 2-to-1 vote, the strike vote revealed that only 50.2% were willing to apply this sanction. In subsequent negotiations with the assistance of the mediator, the parties reached agreement on October 1, 1989. The agreement was ratified by the union by a vote of 65.5%.

The path of the academic staff negotiations was more difficult. Efforts to negotiate an agreement in September failed. The union, having conducted a last offer vote on May 31, held a strike vote on Thursday, October 12. The result of the vote was 54% in favour of strike; the union immediately filed notice for strike action to begin on Wednesday, October 18. Intensive mediation efforts in the days before October 18 again failed to bring the parties to a settlement. Negotiations broke off, and the strike commenced. The colleges were unable to offer any regular instructional programs.

Mediation efforts continued, but at the end of the third week of the strike it became apparent that the parties were unable to make the compromises necessary to reach a settlement. The commission, after careful consideration of the state of negotiations, came to the conclusion that settlement in the near future was unlikely. While the colleges, whose presidents had set up a committee to look at how the instructional programs could be organized after the strike, were of the view that it would at that time still be possible to complete courses of study, the commission could not foresee when an agreement might be reached. Accordingly, the commission advised the minister on Tuesday, November 14, 1989, that in its view the government should intervene. The commission also recommended mechanisms for resolving the dispute.

The parties decided on the same day, however, to submit the dispute to mediation-arbitration and asked Mr. Martin Teplitsky to serve as the mediator-arbitrator. The colleges reopened later in the week. After failing to mediate a settlement, Mr. Teplitsky issued an arbitral award on November 28, 1989.

**Other
Matters**

During the course of the support staff negotiations there was a good faith bargaining complaint filed by Local 654 of Northern College. The complaint was resolved by the parties without a commission hearing. There was also an objection to the conduct of the ratification vote filed by the union over the issue of the right of persons acting temporarily in a management position to vote in procedures under the Act. The chief executive officer issued a decision on the matter.

The Standing Committee on Government Agencies invited the commission to appear before it to discuss bargaining in the colleges and the Gandz Report. The committee's report has now been circulated to the legislature, outlining its concern about the problem of defining "jeopardy in the successful completion of courses of study" in the event of a strike or lock-out, and the problem of dropouts during such sanctions, where instruction is not available. The commission, after its appearance, reviewed the issue intensively and agreed upon procedures for consideration of the issue.

STATEMENT OF EXPENDITURES

April 1, 1989 - March 31, 1990

<u>Categories</u>	<u>Budget Allocation</u>	<u>Actual Expenditures</u>
Transportation & communications	\$ 10 000	\$ 16 023
Services	\$ 95 600	\$ 82 794
Supplies & equipment	\$ 2 000	\$ 2 833
<hr/>		
Total Budget Allocation	\$ 107 600	
Total Actual Expenditures		\$ 101 650

Chair: Katherine E. Swinton, B.A. Hon.-History (University of Alberta), LL.B. (Osgoode Hall Law School, York University), LL.M. (Yale University), Member of the Ontario Bar

Ms. Swinton, a professor in the Faculty of Law at the University of Toronto, has served as chair of labour arbitration boards in the private and public sectors and as vice-chair of the Ontario Crown Employees' Grievance Settlement Board. She has published extensively in the area of labour relations and has co-edited *Studies in Labour Law*.

Vice-Chair: David Allan Hayes, B.A. (McMaster University), M.Ed. (University of Toronto)

Mr. Hayes is a retired educator. He has served as a supervisory officer with the Lincoln County Board of Education, both as a superintendent of curriculum and as an area superintendent. As a supervisory officer, Mr. Hayes developed and implemented a complete evaluation system for all teaching and supervisory personnel, and special programs to assist general level students and reduce the dropout rate among secondary school students. Mr. Hayes also developed a complete curriculum design, implementation, and review program for all Kindergarten to Grade 13 programs and a co-operative professional development program for teachers.

Commissioner: Trèva Legault Cousineau, B.Sc. (H.Ed.) (University of Ottawa), R.P.Dt.

Mrs. Cousineau was co-ordinator of French-Language Services for the Ministry of Community and Social Services, North Central Area, and a member of the board of governors of Cambrian College, Sudbury. She has served as chair and vice-chair of the Timmins District Roman Catholic School Board, member of the Commission on the Financing of Elementary and Secondary Education in Ontario, chair of the Ontario School Trustees' Council, and member of the Ministry of Education's Committee on Special Education and Advisory Council on the Role of the Trustee.

Commissioner: John Irwin Zeiler, B.A. (University of Toronto), LL.B. (University of Toronto)

Mr. Zeiler is a partner in the law firm of Leve and Zeiler, whose practice includes real estate and corporate, commercial, and estate work. He was the solicitor for the developer who registered the first condominium in Ontario. Mr. Zeiler has taught for the Ontario Real Estate Association, the Appraisal Institute of Canada, and more recently in the Department of Administrative Studies at York University, where he lectures in real property law and negotiations.

Commissioner: William John McNeil, B. Com. (University of Toronto)

Mr. McNeil has had fifteen years' service as a teacher and vice-principal in North York and fifteen years' service as a field officer with the Ontario Secondary School Teachers' Federation. His past positions include president of District 13 of the OSSTF, governor of the Ontario Teachers' Federation, advisory board member of the provincial executive of the OSSTF, and former trustee of the Ontario Teachers' Insurance Plan. He is currently enrolled in the master's degree program in industrial relations at the University of Toronto.

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COLLEGE
RELATIONS
COMMISSION

Annual Report

1990-1991



Ontario

College
Relations
Commission


Telephone (416) 922-7679
Fax (416) 325-4134

111 Avenue Road
Suite 400
Toronto, Ontario
M5R 3J8

**The Members of the Legislative Assembly
Province of Ontario**

Dear Members,

I have the honour to present the sixteenth Annual Report of the College Relations Commission, covering the period from September 1, 1990 to August 31, 1991.



Paula Knopf
Chair
College Relations Commission

August 31, 1991



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I THE COMMISSION

Members The College Relations Commission is composed of five members appointed by the Lieutenant Governor-in-Council. The terms of appointment range from one to three years, and each member of the Commission is eligible for reappointment upon the expiration of the term.

Paula Knopf was appointed chair on February 1, 1991, to replace Katherine Swinton, who had decided that her teaching and writing obligations at the University of Toronto should take priority. David Allan Hayes was appointed vice-chair on May 11, 1988. Trèva Legault Cousineau was appointed commissioner on May 11, 1988. John McNeil and John Zeiler were reappointed commissioners on March 6, 1989. (A biographical sketch of each commissioner is provided in Section IV.)

Organizational Structure The College Relations Commission (CRC) is served by the staff, and uses the facilities, of the Education Relations Commission (ERC). It also draws upon the third-party neutrals used by the ERC.

The ERC has a permanent 17-member staff assigned to Field Services and Information Services. All appointments and major decisions and determinations are made by the CRC; however, the day-to-day operations of the CRC are managed by its chief executive officer and secretary, Robert E. Saunders. The commissions' offices are at 111 Avenue Road, Suite 400, Toronto, Ontario M5R 3J8.

Establishment The College Relations Commission was established in 1975 under section 55 of the Colleges Collective Bargaining Act, Revised Statutes of Ontario 1980, chapter 74. This Act was adopted at the same time as the School Boards and Teachers Collective Negotiations Act, and the two statutes share a basic framework to govern the negotiations process.

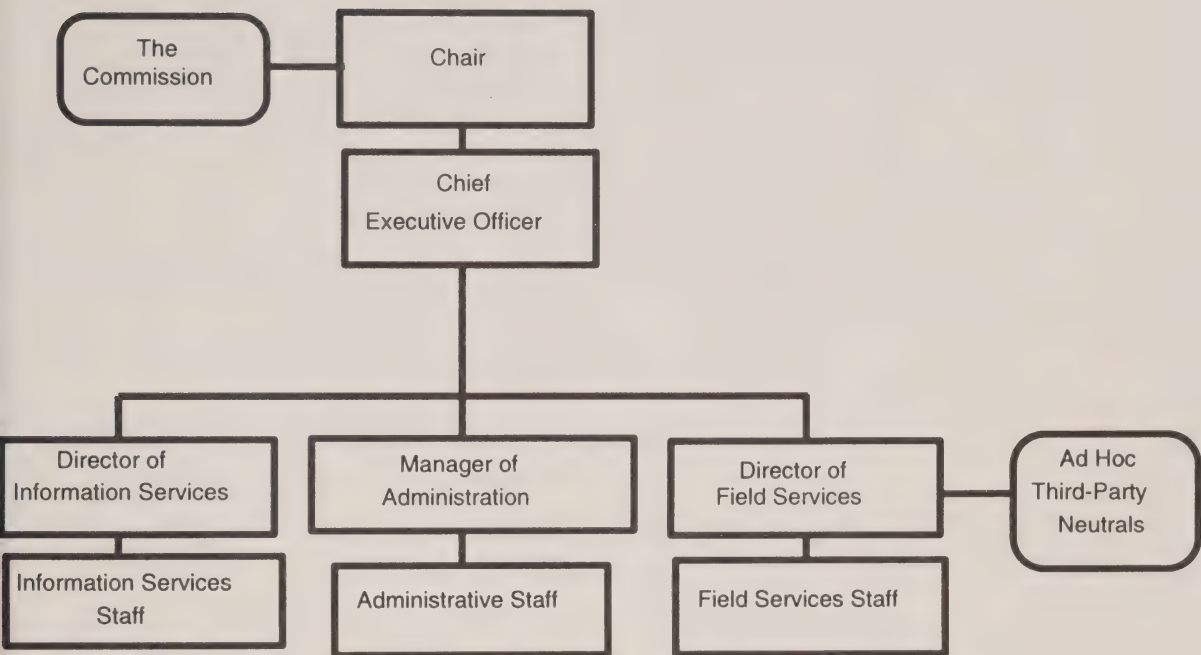
Duties The duties of the College Relations Commission are set out in subsection 56(1) of the Act.

It is the duty of the Commission:

- (a) to carry out the duties imposed on it by this Act and such other functions as may, in the opinion of the Commission, be necessary to carry out the intent and purpose of this Act;
- (b) to maintain an awareness of negotiations between the parties;
- (c) to compile statistical information on the supply, distribution, professional activities, and salaries of employees;

- (d) to provide such assistance to parties as may facilitate the making or renewing of agreements;
- (e) to select and, where necessary, to train persons who may act as mediator, fact finders, arbitrators, or selectors;
- (f) to determine, at the request of either party or in the exercise of its discretion, whether or not either of the two parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement;
- (g) to determine the manner of conducting votes and to supervise votes by secret ballot pursuant to this Act; and
- (h) to advise the Lieutenant Governor-in-Council when, in the opinion of the Commission, the continuance of a strike, lockout, or closing of a college or colleges will place in jeopardy the successful completion of courses of study by the students affected by the strike, lockout, or closing of the college or colleges.

ORGANIZATION CHART: The College Relations Commission



II OVERVIEW OF NEGOTIATIONS

The Negotiation Process

The mandate of the College Relations Commission to maintain an awareness of and facilitate collective negotiations between the Ontario Council of Regents for Colleges of Applied Arts and Technology, as employer, and the Ontario Public Service Employees Union (OPSEU), representing the academic and support staffs, is contained in the Colleges Collective Bargaining Act. Passed in 1975 and revised in 1980, this Act gives the academic and support staffs the right to strike and gives the Ontario Council of Regents for Colleges of Applied Arts and Technology the right to lock out. These rights, however, are regulated. For example, a strike or lockout is not legal until:

- (a) a fact finder has met with the parties and his or her report has been made public; and
- (b) a fifteen-day cooling-off period takes place after the fact finder's report is submitted to the parties; and
- (c) the members of the employee organization have voted by secret ballot in a supervised vote on the last offer of the Council of Regents; and
- (d) the members of the employee organization have voted, by secret ballot, in a supervised vote to take strike action.

At any time during the process, the parties may choose voluntary binding arbitration or final-offer selection as an alternative means of dispute resolution. The Commission monitors the negotiation process from the time an intent to negotiate is filed by the parties until a collective agreement is signed. Particular attention is paid to the timing and appropriateness of appointments of fact finders and mediators. The conduct of votes -- last offer, strike, or ratification -- has assumed major importance for the Commission. This is due not only to the number of votes that have been supervised, but also to the number of members of the employee organization and the number of campuses involved.

Because the agreements negotiated in 1989 have a two-year term, this year was a relatively quiet one in terms of Commission services to the parties.

Information Services

As noted in the 1989-1990 Annual Report, a task force with representation from both the Council of Regents and OPSEU was established to examine information needs related to bargaining in the teaching sector. Dr. William Marcotte, who has had considerable experience as a third party in colleges bargaining, was appointed the chair of the task force. The group reported to the union and the council on July 10, 1991.

The Commission decided, following the recommendations to establish an Advisory Committee on Information Services, to provide advice on the establishment of the information service. It strongly supports this direction because such a need for information has been noted so often by fact finders in past negotiations, and the Education Relations Commission's experience in the school board/teacher sector has shown the benefits of the availability of data for bargaining. The Advisory Committee met for the first time in September 1991, outside the period covered by this report, but its work and the start-up of the information service will be reported upon next year.

Funding on an annual basis was made available for expansion of the information services in the 1991-92 fiscal year.

The Report of the Task Force on Wages and Benefits of the Colleges' Academic Employees

The task force's recommendations regarding the future role of the College Relations Commission are as follows:

Section IV - Role Of The College Relations Commission

Introduction

Pursuant to s. 56 of the Colleges Collective Bargaining Act, R.S.O. 1980, c. 74, the College Relations Commission (CRC) has, among its duties, the following:

56.(1) It is the duty of the Commission,

- (c) to compile statistical information on the supply, distribution, professional activities and salaries of employees;*
- (d) to provide such assistance to parties as may facilitate the making or renewing of agreements.*

Under identical provisions at s. 60(1)(c) and (d) of companion legislation, the School Boards and Teachers Collective Negotiations Act, R.S.O. 1980, c. 464, the Education Relations Commission (ERC), which performs an identical role to the CRC (but in regard to elementary and secondary level collective bargaining between school boards and teachers), has developed, over the fifteen years of its existence, a highly sophisticated research and information service for the some 200 bargaining dyads in that education sector. Currently, however, there is little, if any, research and information service available to the Colleges and Union under the Colleges Bargaining Act provisions, which has contributed to the on-going controversy over wages and benefits for the Colleges' academic staff in collective agreement negotiations.

The current lack of service to the college community appears to stem from at least two sources. First, as previously indicated in Section I [of the report], there is only one academic (and one support staff) collective agreement at the college level. In contrast, there are some 200 collective agreements at the elementary and secondary levels. Thus, for the Colleges and the Union, there is a lack of intra-group comparison data, which data are the mainstay of information readily available to the elementary, secondary, Roman Catholic separate school teachers, and their employing school boards. Second, the CRC does not have a budgetary supply of funds for resources to establish and maintain databases for the Colleges and the Union. How this state of affairs came to be, is not of concern to this Task Force. Of concern is how the CRC can start to provide information services to the college community, since it is our belief that the CRC is the logical entity to develop and maintain the databases contemplated in the Letter of Understanding.

Recommendation No. 1

That the CRC be provided with the necessary funds to establish, develop and maintain an information service for the Colleges and Union, to be known as the College Relations Commission Information Services (CRCIS).

These funds will, in the main, be used to pay for physical resources (including, office space, storage facilities, hardware and software equipment), and the hiring of sufficient staff members to establish and maintain databases, as well as for responding to user requirements of the Information Services. Moreover, in providing funds to the CRC, it must be kept in mind that significant, initial "start up" funds will be required. (See Recommendations 2 and 3).

The need for space and equipment is self-evident. Our recommendation, that sufficient staff members be hired, is based on discussions with the current ERC Information Services (ERCIS) director and the Chief Executive Officer of the CRC, as to the job duties now performed by the ERCIS staff. Also, while there is but one academic collective agreement, it must be kept in mind that there are 23 colleges, and a full-time bargaining unit membership of approximately 8500, in a wide diversity of instructional programs and services. The data relating to the academic unit is substantively different from the data relating to elementary and secondary teachers who, while more numerous, are (for our purposes) in homogeneous instructional situations and who have instructional assignments within relatively close parameters when compared with the system of colleges and courses and services offered. Further, the job duty requirements for the CRCIS staff cover a broad spectrum (computer programming, design, and analysis; data collection; collation and coding

formats; knowledge of collective agreements, and so forth) that would be difficult to fill through the hiring of a single individual. We should add, in regard to funding the CRCIS, it is our understanding that there are currently funds available, in line with certain recommendations in the Gandz Report, that can be used for this purpose.

Recommendation No. 2

That the funds committed to the CRCIS be initially set for a 3-year start-up period.

There are at least four principal activities in starting-up an information service: (1) Identification of information data bank sources, including the type or sort of information available, the format in which it is kept, and its retrievability relative to the CRCIS systems; (2) Collection of data through the identification and establishment of on-going linkages between the source and CRCIS for transmittal, receipt and dissemination of data; (3) Translation, or coding, of raw data into formats compatible with CRCIS systems, and, (4) The design and development of the computer programs required by primary CRCIS users, i.e., the Colleges and the Union.

The above tasks cannot all be completed by August 31, 1991. For example, in regard to internal (to the college system) information on individual academic bargaining unit members, the Task Force members were required to design a form to capture the time of hire, starting salary, qualifications, experience recognized for salary purposes, and maximum step placement on the salary grid. Other information, such as assignment at time of hire, could not be retrieved (see Section III, Part A [of the report]).

Moreover, the data-collection form had to be developed so as to accommodate the reality that not all 23 Colleges maintain the above data in identical formats. Further, the above information on each faculty member will have to be collected and coded for data analysis, a time-consuming task, in and of itself. As well, it is obvious that information on each instructor's individual workload (data which we understand has not been jointly collected and analyzed by the parties following two studies conducted between 1982 and 1984) will also have to be collected and coded, prior to any analysis thereof (e.g. inter-college comparisons of English teachers' workloads, or such comparisons made on an intra-departmental basis, within a college). Either of the two above tasks will take months to complete, let alone ensuring that on-going linkages between the individual colleges and CRCIS are established and maintained.

Also, the status of external data sources is largely unknown. Thus, an assessment of the feasibility and advisability of gathering information concerning, for example, private-sector trainer workloads and compensation, must first be carried out prior to decision-making regarding the collection, coding and analysis of such data. Moreover, while certain external data (e.g., University faculty age-salary-career position in Ontario universities) can be retrieved from an external sources (e.g. Statscan, Hay Management Consultants) and is presently available, the pool of information from which these agencies draw their reports is not completely accessible and, in any event, must be made compatible with CRCIS computer systems. Additionally, as previously indicated, the completeness of the data at external source may be less than as required by CRCIS. CRCIS may have to undertake establishing linkages with the primary sources themselves.

In our view, the data source identification and data collection stages in the development of CRCIS will require, at least, a 3-year period in order to respond to the information requirements set out in this study. This is not to say, however, that the Colleges and Union will have to wait that length of time before CRCIS can supply them with information they may require and request. In the initial years of the ERCIS, for example, information was made available to the teachers and school boards on an incremental basis. We envision the same process for the Colleges and Union. We also note that the CRCIS staff will require a period of time to gain expertise in the collection, coding and manipulation of programs in response to the parties' demands.

Recommendation No. 3

That, in the third year of operation, the CRC determine, in light of recommendations from the CRCIS Advisory Committee (see Section V [of the report]), the annual level of funding for the CRCIS, following its 3-year start up period.

We do not think it unreasonable to assume that the start-up period will entail expenditures that are not on-going (for example, the purchase of equipment), and need not be budgeted for on an on-going basis. Moreover, the extent to which the CRCIS is used, by both its primary users (the Colleges and the Union) and external agencies (e.g., OCUFA, MCU) which supply information to CRCIS, or users who may have an interest in ERCIS data (e.g., Ministry of Labour), will significantly determine the level of resources (physical, financial, human) that is to be maintained by CRCIS, in order to meet the demands for its service. As well, since the CRCIS Advisory Committee will, largely, be responsible for determining the scope and content of the CRCIS work, the

Committee's recommendations will be critical in respect of the on-going demands made on the service.

Recommendation No. 4

That the CRCIS be maintained in the same physical location as the ERCIS and that the ERCIS Director also be the CRCIS Director.

The ERC and CRC chairperson, commissioners, chief executive officer, and, field services personnel are the same individuals. (The only area where dual functions, de facto, are not carried out, is in regard to the current ERCIS personnel who, for reasons already stated, primarily service the elementary and secondary education levels in the public education sector.) Thus, it is logical and reasonable to maintain the CRCIS in the same location as the rest of the CRC and ERC, and this arrangement fits in with existing organizational roles and structure. We do note, however, that in combining these two directorships, the duties and responsibilities of the CRCIS/ERCIS director will be expanded, given the current level of service now provided to the college community. As well, this recommendation will allow for easier transfer of ERCIS expertise (gathered incrementally over the past fifteen years) to CRCIS.

Section V - Role Of The CRCIS Advisory Committee

Recommendation No. 1

That a CRCIS Advisory Committee be struck, by the CRC, within 30 days following the issuance of this study.

The CRCIS Advisory Committee will play a central and critical role in the establishment of the CRCIS. As previously stated, there is, currently, virtually no level of information service provided to the college community by the CRC. In part, this state of affairs is attributable to the lack of demand and resources for such service by the Colleges and Union. Whichever is the consequence of the other is immaterial to our purposes. However, if the service is to be viable, it must be driven by the demands of its principal users, the Colleges and the Union, since the effectiveness of any information service is dependent upon the needs of its users. The CRCIS does not have an independent information agenda. That agenda is the responsibility of the Advisory Committee, and should include recommendations on other indicators to be considered in negotiations over wages and benefits that are not addressed in this study. In that respect, the indicators which the Task Force has identified in this study as being germane to the negotiating of wages and benefits, can be viewed as basic components of the databases to be further developed and maintained by the CRCIS. Thus, the type of information to be collected, formats for

coding the information received, the types of analysis to be performed on the data, and its dissemination, are within the decision-making of the Advisory Committee. Moreover, since the CRCIS will need the input from the Advisory Committee in order to proceed with these activities, the Committee must be struck as soon as possible following the issuance of this study.

Finally, the Advisory Committee is to establish its own procedures and meeting schedules. In regard to this latter task, we recommend that during the first 3 years, the Committee meet monthly in the first year, and, at least 6 times per year in each of the following two, or at the call of the CRC chair.

Recommendation No. 2

That the membership of the CRCIS Advisory Committee be composed of the CRCIS Director, two (2) Colleges' representatives, and, two (2) Union academic unit representatives, including representatives from each party who are members of this Task Force study. One member from each party is to be appointed by that party to serve as co-chair for a two-year period.

Recommendation No. 3

That the CRCIS Advisory Committee members be appointed for a minimum two-year period, and that at least one representative from each party be appointed, initially, for the three-year duration of the CRCIS start-up period.

It is essential that continuity be maintained in order that the intent and spirit behind the establishment and work of this Task Force be carried forward to the CRCIS Advisory Committee. By staggering the initial periods of appointment, and, by limiting the co-chairmanship to a two-year period, we believe that such procedures can help to create the necessary continuity of the Advisory Committee membership.

Recommendation No. 4

That CRCIS Advisory Committee be charged with the responsibility of ensuring that each college and union undertakes to appoint, by September 20th each year, one (1) member of the local college administration and one (1) member of the local college academic bargaining unit who are to be responsible for ensuring the collection and transmittal of college level-data to the CRCIS is carried out in a consistent and regular basis.

An individual instructor's placement on the collective agreement salary grid, years of experience, recognized qualifications, and workload, are just some of the information essential to informed debate on academic wages and benefits at the collective bargaining table. Since these data are

generated at the local-college level (each college being the employer, pursuant to s. 1(h) of the Colleges Collective Bargaining Act), it is imperative that a communication link, along which data flow in a timely fashion, from the colleges to the CRCIS, be established and maintained. We leave it to the Advisory Committee, with the assistance of the CRC, to establish the procedures to link the colleges to the CRCIS.

Recommendation No. 5

That the Advisory Committee assess, annually, during the 3-year start-up period, its objectives in terms of their accomplishments and the incremental development of the CRCIS databases and analysis systems.

The Task Force members realize that an information system cannot be established, full-blown, overnight. Rather, an incremental approach must be taken to the collection of information, design of programs for data analysis purposes, and the analysis, itself, of the data. Thus, the establishment of reasonable and feasible objectives during the start-up period is critical to the success of the CRCIS.

Recommendation No. 6

That the CRCIS Advisory Committee members, together with CRCIS staff, work initially towards:

- 1. A uniform format for collecting data from each of the colleges relative to individual bargaining academic unit members:*
 - (a) employing college;*
 - (b) an employee identification number for CRCIS purposes (the identity of the individual to remain confidential to the college);*
 - (c) starting salary;*
 - (d) years of experience recognized for salary grid placement purposes at time of hire;*
 - (e) qualifications recognized for salary grid placement purposes at time of hire;*
 - (f) qualifications gained while employed in the college for salary grid placement purposes;*
 - (g) qualifications gained while employed in the colleges not used for salary purposes;*
 - (h) initial assignment.*

2. A uniform format for collecting data, on a semester or annual basis, relative to workload, pursuant to Article 4 - Workload of the parties' collective agreement.
3. A uniform format for collecting data relative to each individual members' (of the CAAT academic bargaining unit) insured benefits' coverage, pursuant to: Article 21-Short Term Disability Plan, and, Long-Term Disability Plan, and, Article 22-OHIP, Extended Health Plan, Dental Plan and Life Insurance.

There is no doubt that some, or all, of the above information is currently collected by the Union and the MCU Staff Relations Branch. However, at the very least, its state of retrieval will have to be made compatible with the CRCIS systems.

Recommendation No. 7

That the CRCIS Advisory Committee members and CRCIS staff work towards the development of linkages with agencies/entities external to the Colleges and Union as these are identified in this study, and, as identified by the Advisory Committee, for purposes of obtaining and disseminating information from them, relevant to the informational requirements of the parties and these agencies or entities.

In some respects, these tasks are both the easiest and most difficult undertakings for the CRCIS. For example, in those instances whereby the external agency (e.g. Statscan) can readily provide information for a fee, simple payment (as authorized by the CRCIS Advisory Committee) for the information, either on an ad-hoc or annual-fee basis, establishes the necessary inter-organizational information linkage. On the other hand, the establishment of an information link with, for example, the universities in Ontario, in order to obtain collective agreements between them and their faculty associations, is not so simply accomplished. The information may not be readily obtainable, whether on a fee basis or otherwise, and, given that the universities are not in the business of disseminating information relevant to their internal labour-relations matters, they may be reluctant to share that information, either because they view it as confidential, or, because they do not perceive the utility, for themselves, in providing such information to the CRCIS. That is, the question of voluntarism on the part of agencies or entities external to the college community, in regard to information sharing is an uncertainty (viz., the experiences of the Task Force members' attempts to gather such information from certain external agencies).

As well, the state of the databases kept by such groups as, for example, OCUFA, may not be compatible with CRCIS informational requirements. Thus, while certain agencies, such as Hay Management Consultants, can

be used (where cost effectiveness dictates such usage) to provide information concerning relevant comparison groups (e.g. "A Comparative Study of Compensation of Faculty and Service Administrative Personnel in Ontario Universities", February, 1988), the manner in which the research methodology and reporting for such studies may not be available . . .

All of the above is intended to make clear that obtaining data external to the college community is not a simple, short-time task that requires little effort or resources. Yet, such data, given the lack of similarly-employed referent groups within the province, is significant for developing objective data for comparison purposes. Therefore, developing both strategies and linkages with the external environment will be central to the Advisory Committee efforts during the start-up period. This study, identifying certain, relevant, external agencies, serves mainly as a guide for future directions on the part of the CRCIS Advisory Committee and CRCIS staff.

Statement of Expenditures**April 1, 1990 - March 31, 1991**

Categories	Budget Allocation	Actual Expenditures
Transportation & communications	\$ 8 600	\$ 12 485
Services	\$ 39 000	\$ 22 992
Supplies & equipment	\$ 10 000	\$ 9 882
<hr/>		
Total Budget Allocation	\$ 57 600	
Total Actual Expenditures		\$ 45 359

Chair: Paula Knopf, B.A. (University of Toronto), LL.B. (York University)

Ms. Knopf joined the Commission as chair in February 1991. She graduated with a B.A. from the University of Toronto, in 1972 and with an LL.B. from Osgoode Hall Law School in 1975. Upon being called to the Ontario Bar in 1977, she practised law in Toronto with emphasis in the area of litigation and labour relations. A former member of the faculty of Osgoode Hall Law School, Ms. Knopf is an experienced fact finder, mediator, and arbitrator.

Vice-Chair: David Allan Hayes, B.A. (McMaster University), M.Ed. (University of Toronto)

Mr. Hayes is a retired educator. He has served as a supervisory officer with the Lincoln County Board of Education, both as a superintendent of curriculum and as an area superintendent. As a supervisory officer, Mr. Hayes developed and implemented a complete evaluation system for all teaching and supervisory personnel, and special programs to assist general level students and reduce the dropout rate among secondary school students. Mr. Hayes also developed a complete curriculum design, implementation, and review program for all Kindergarten to Grade 13 programs and a co-operative professional development program for teachers.

Commissioner: Trèva Legault Cousineau, B.Sc. (H.Ed.) (University of Ottawa), R.P.Dt.

Mrs. Cousineau was co-ordinator of French-Language Services for the Ministry of Community and Social Services, North Central Area, and a member of the board of governors of Cambrian College, Sudbury. She has served as chair and vice-chair of the Timmins District Roman Catholic School Board, member of the Commission on the Financing of Elementary and Secondary Education in Ontario, chair of the Ontario School Trustees' Council, and member of the Ministry of Education's Committee on Special Education and Advisory Council on the Role of the Trustee.

Commissioner: William John McNeil, B. Com. (University of Toronto)

Mr. McNeil has had fifteen years' service as a teacher and vice-principal in North York and fifteen years' service as a field officer with the Ontario Secondary School Teachers' Federation. His past positions include president of District 13 of the OSSTF, governor of the Ontario Teachers' Federation, advisory board member of the provincial executive of the OSSTF, and former trustee of the Ontario Teachers' Insurance Plan. He is currently enrolled in the master's degree program in industrial relations at the University of Toronto.

Commissioner: John Irwin Zeiler, B.A. (University of Toronto), LL.B. (University of Toronto)

Mr. Zeiler is a partner in the law firm of Leve and Zeiler, whose practice includes real estate and corporate, commercial, and estate work. He was the solicitor for the developer who registered the first condominium in Ontario. Mr. Zeiler has taught for the Ontario Real Estate Association, the Appraisal Institute of Canada, and more recently in the Department of Administrative Studies at York University, where he lectures in real property law and negotiations.



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COLLEGE
RELATIONS
COMMISSION

Annual Report

1991-92



Ontario

College Relations Commission

111 Avenue Road

Suite 400

Toronto, Ontario

M5R 3J8

Telephone (416) 922-7679

Fax (416) 325-4134

The Members of the Legislative Assembly
Province of Ontario

Dear Members,

I have the honour to present the seventeenth Annual Report
of the College Relations Commission, covering the period from
September 1, 1991, to August 31, 1992.



Paula Knopf

Chair

College Relations Commission





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1. The Commission

Members

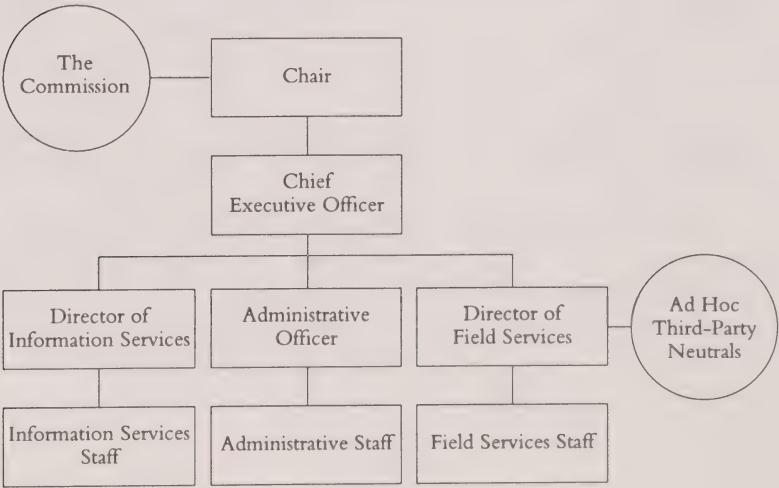
The College Relations Commission (CRC) is composed of five members appointed by the Lieutenant Governor in Council. The terms of appointment range from one to three years, and each member of the commission is eligible for reappointment upon the expiration of the first term.

Paula Knopf was appointed Chair on February 1, 1991; David Hayes, Vice-Chair on May 11, 1988; and Trèva Cousineau, Commissioner on May 11, 1988. John McNeil's and John Zeiler's terms as commissioners ended on March 5, 1992. (A biographical sketch of each commissioner is provided in Section 6.)

Organizational Structure

CRC is served by the permanent 17-member staff of the Education Relations Commission (ERC) and uses its facilities. The permanent staff are assigned to Field Services and Information Services. CRC also draws upon the third-party neutrals used by ERC. All appointments of third-party neutrals and major decisions and determinations are made by CRC; however, its day-to-day operations are managed by its Chief Executive Officer and Secretary, Robert E. Saunders.

Structure of the College Relations Commission



Establishment of the Commission

The CRC was established in 1975 under section 55 of the Colleges Collective Bargaining Act (R.S.O. 1980, chapter 74). This act was adopted at the same time as the School Boards and Teachers Collective Negotiations Act, and the two statutes provide the framework for governing the negotiation process.

Duties of the Commission

The duties of CRC are set out in subsection 56(1) of the Colleges Collective Bargaining Act.

It is the duty of the Commission:

- a) to carry out the duties imposed on it by this Act and such other functions as may, in the opinion of the Commission, be necessary to carry out the intent and purpose of this Act;
- b) to maintain an awareness of negotiations between the parties;
- c) to compile statistical information on the supply, distribution, professional activities and salaries of employees;
- d) to provide such assistance to parties as may facilitate the making or renewing of agreements;
- e) to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators or selectors;
- f) to determine, at the request of either party or in the exercise of its discretion, whether or not either of the parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement;
- g) to determine the manner of conducting and to supervise votes by secret ballot pursuant to this Act; and
- h) to advise the Lieutenant Governor in Council when, in the opinion of the Commission, the continuance of a strike, lock-out or closing of a college or colleges will place in jeopardy the successful completion of courses of study by the students affected by the strike, lock-out or closing of the college or colleges.

Conflict-of-Interest Policy

In order to maintain and ensure the neutrality of the commission, a conflict-of-interest policy for commissioners was adopted in 1992. The policy is outlined below.

CONFLICT-OF-INTEREST POLICY

Purpose

As an Agency appointed pursuant to Order in Council, constituted to serve the public interest and to further harmonious relations between the Council and the academic and support staff, it is appropriate that the College Relations Commission have conflict of interest guidelines for its members.

Accordingly, the Commission has adopted the following guidelines to apply to all members during the term of their appointments.

Terms

1. A member shall not provide any services relating to or potentially affecting employment relations on behalf of or against any of the following as defined by the *Colleges Collective Bargaining Act*:
 - a) a bargaining unit
 - b) a Board of Governors of a College
 - c) the Council
 - d) an employee
 - e) an employee organization
 - f) an employer
 - g) any person employed by a Board of Governors of a College of Applied Arts and Technology
 - h) a local bargaining agent for any employees of a College of Applied Arts and Technology
2. Prior approval of the Chair of the Commission is required in all matters concerning a member of the Commission and any of the parties identified in paragraph 1.

2. Overview of Negotiations

The Negotiation Process

The mandate of the College Relations Commission is to maintain an awareness of and facilitate negotiations between the Ontario Council of Regents for Colleges of Applied Arts and Technology, which is the employer, and the Ontario Public Service Employees Union (OPSEU), which represents the academic and support staff of the colleges. This mandate is set out in the Colleges Collective Bargaining Act, which was passed in 1975 and revised in 1980. This act gives academic and support staff members the right to strike and gives the Ontario Council of Regents for Colleges of Applied Arts and Technology the right to lock out staff. These rights, however, are regulated. For example, the following procedure must be followed before a legal strike or lockout may occur:

- a) A fact finder must meet with the parties and prepare a report which is to be made public, in accordance with paragraph (b).
- b) There must be a fifteen-day cooling-off period after the fact finder's report has been submitted to the parties.
- c) The members of the employee organization must vote, by secret ballot, in a supervised vote on the last offer of the Council of Regents.
- d) The members of the employee organization must vote, by secret ballot, in a supervised vote to take strike action.

At any time during the process, the parties may choose voluntary binding arbitration or final-offer selection as an alternative means of dispute resolution. The commission monitors the negotiation process from the time an intent to negotiate is filed by the parties until a collective agreement is signed.

The commission pays particular attention to the timing and appropriateness of the appointments of fact finders and mediators. The conduct of votes – last-offer, strike, or ratification – is also very important to the commission. This is due not only to the number of votes that have been supervised, but also to the number of members of the employee organization and the number of campuses involved.

Negotiations in 1991-92

Both the academic and the support staff units were negotiating in the year under review to renew agreements which had expired on August 31, 1991. In both, the key issues were compensation and job security.

In the support staff negotiations, a fact finder, Natalie Bronstein, was named at the request of the parties. After her report was released, the parties met and made some progress. Subsequently, the union felt it necessary to conduct a last-offer vote under section 59 of the act. The council's offer was rejected. After further negotiation, with the assistance of Ms. Bronstein as mediator, the parties reached a one-year agreement, which was ratified by a vote of approximately three to one in favour.

Since the agreement was for the 1991-92 year only, the union filed notice to negotiate to renew the agreement and the parties recommenced bargaining in February 1992. At the request of the parties, Ms. Bronstein was appointed again to act as mediator and fact finder. While settlement was not reached within the time covered by this report, in early September 1992 a tentative two-year agreement was reached, with a ratification vote arranged for October.

In the academic staff negotiations, the approach by both sides to the bargaining was markedly less adversarial than in the past. Both parties believed, after their experience in 1989, that there must be a better way to resolve the issues and meet their needs. The major objective of the union was to attain parity of salary with secondary and other postsecondary teachers. Both parties were helped by the report of the joint task force on information needs, which had been set up as a result of the previous negotiation and its arbitrated settlement. In the fall of 1991, the parties had requested that the commission appoint Dr. William Marcotte, the neutral chair of the task force on information needs, to act as fact finder. His report was given to the parties, who then continued to bargain by themselves to seek a resolution to their mutual problems.

The parties reached a tentative three-year agreement in the late spring in 1992, too late for a ratification vote to be held before the end of the academic year. While the ratification vote was held on September 30, beyond the period of this report, it might be noted that in the ratification vote, 66.5 per cent of the academic staff voted, a high participation rate in comparison with past votes, and 96.6 per cent of those voters accepted the agreement.

The result of these negotiations will be a period of greater stability in the relations of the parties through 1993; such a period will allow the parties to address other issues in a more positive atmosphere.

3. Field Services

Responsibilities

Field services staff are involved in a number of commission tasks. These include monitoring negotiations; selecting, training, and evaluating third parties; administering quasi-judicial matters; and offering preventive-mediation programs.

Relationships by Objectives

A Relationships by Objectives (RBO) program involves the completion of the following six steps:

1. identification, by each side, of the issues that need to be resolved
2. explanation, by each side to the other, of the issues and its position on them
3. agreement on a list of objectives concerning the issues
4. creation of action steps to meet these objectives
5. acceptance and/or tailoring of these action steps by the two sides separately
6. joint acceptance of the action steps, assignment of responsibility for them, and setting of timelines

The program is conducted only when there has been a joint request from the parties. It is conducted at a time when negotiations are not in progress and at a site which is not the normal workplace. Completion of the six steps takes about two days.

The purpose of the RBO activity is to help the parties to re-establish open and frank discussions on matters of joint concern, gain an appreciation of each other's point of view, and approach each other with trust and respect.

Follow-up activities are planned to determine the progress being made and to make any adjustments that the parties may require.

In January 1992, an RBO workshop was offered, for the first time within the community college system, to representatives from both the administration of Fanshawe College and Local 110 of OPSEU, which represents the academic staff of the college. The co-ordinator of the workshop was John Popular, an experienced labour-relations neutral who has focused on assisting parties in improving the climate in their organizations. Prior to the workshop, Mr. Popular spent several days interviewing all the participants. In total, about fifty persons including commission staff participated in the two-day workshop.

Consideration is being given to offering a similar type of workshop to Local 109 of OPSEU, which represents the support staff at Fanshawe College.

4. Information Services

Responsibilities

Information services staff members are responsible for the development and management of an information system to serve the collective bargaining process between the staff of Ontario colleges of applied arts and technology and their employer. The aim of Information Services is to meet, and even anticipate, client needs. Improving service, efficiency, and effectiveness is one of the basic objectives.

Activities in 1991-92

During the reporting year, a number of activities and initiatives were undertaken to improve both information management and service delivery in the college sector.

Implementation of the Marcotte Task Force Recommendations

The commission initiated implementation of the recommendations of the Task Force on Wages and Benefits of the Colleges' Academic Employees, which had been chaired by Dr. William Marcotte. (See the *College Relations Commission Annual Report, 1990-1991* for a complete list of the recommendations of the task force.) A College Relations Commission Information Service (CRCIS) Advisory Committee was struck at the beginning of the reporting year. The members of the committee are: Phil Cunningham, President, Local 613, OPSEU, Sault College; Ron Golemba, Chief Steward, Local 558, OPSEU, Centennial College; Sharon McElroy, Director of Information Services, CRC; John Podmore, Ontario Council of Regents for Colleges of Applied Arts and Technology, Ministry of Colleges and Universities;^{*} and Jim Turner, Senior Vice-President, George Brown College.

The CRCIS Advisory Committee held its inaugural meeting on October 4, 1991, and an additional thirteen working meetings during the reporting year. The committee focused in particular on Recommendation No. 6 in Section V of "The Report of the Task Force on Wages and Benefits of the Colleges' Academic Employees" (see *College Relations Commission Annual Report, 1990-1991*, pages 11-12).

This recommendation deals with the establishment of uniform formats for collecting data on the qualifications, experience, salary, benefits, and workload of academic college employees. Approximately forty distinct data elements were identified by the advisory committee.

The committee concluded that similar information was required for all college employees, and that these human resource data should be defined and collected in such a way as to enable the information system to be linked to existing centralized information systems.

^{*} The Ministries of Colleges and Universities, of Education, and of Skills Development merged in February 1993 to form the new Ministry of Education and Training.

The advisory committee recognized that the ultimate success of such a system would depend on the ability and desire of the local colleges to capture the data in a timely fashion. The committee, therefore, worked with the colleges in appointing one member of each local college administration and one member of each local college academic bargaining unit to be the committee's primary contacts with the colleges and ensure consistent and regular collection and transmittal of college-level data to the commission.

In addition to establishing local college contacts, the committee made presentations to representative organizations of various stakeholder groups over the year to inform them of the goals and objectives of the information service and to elicit their co-operation and support. The groups included the Executive Committee of the Association of Colleges of Applied Arts and Technology of Ontario (ACAATO), the Council of Presidents (COP), the college provincial staff affairs and computer centre associations, and Ministry of Colleges and Universities staff. All the groups agreed that more reliable and timely information relating to employee compensation and conditions of work was both necessary and desirable, and they supported the commission's role in providing a common, centralized information service. The commission was urged to make every effort to co-ordinate its data collection with other central and local college data-gathering activities, in order to minimize duplication of effort. Recognizing the critical role of the local colleges, the advisory committee set out a plan to visit each of the colleges in the fall of 1992 to discuss data requirements and to get a better understanding of local concerns and needs.

Revival of Information Publication Series

Overview and the Monograph Series were revived during the reporting year.

Overview is a bilingual newsletter that reports on teacher/school board and college negotiations across the province and on items of interest and concern to those involved in them. Regular features include summaries of recent arbitration awards, collective agreement snapshots, economic and settlement statistics outside the education sector, and notification of upcoming publications. The newsletter is mailed automatically to bargaining representatives, provincial employer and union organizations, and third parties. Two issues of *Overview* were published during the reporting year.

The Monograph Series, available in English and French, replaces the Monograph and Clause File publications, which were suspended in 1985. Its purpose is to provide a more in-depth review of a particular aspect of the bargaining process or outcome in the Ontario publicly funded schools and colleges. Five issues in the series were published during the reporting year.

5. Statement of Expenditures

Statement of Expenditures: April 1, 1991 – March 31, 1992

Categories	Budget Allocation	Actual Expenditures
Salaries*	\$77 900	0
Employee benefits*	\$5 000	0
Transportation and communications	\$ 8 600	\$ 14 446
Services and rentals	\$119 000	\$ 66 292
Supplies and equipment	\$ 10 000	\$ 29 934
Total	\$220 500	\$110 672

* Monies allocated for hiring of additional staff.

6. Biographies of Commission Members

Chair: *Paula Knopf, B.A. (University of Toronto), LL.B. (Osgoode Hall Law School)*

Ms. Knopf joined the commission as Chair in February 1991. She graduated with a B.A. from the University of Toronto in 1972, and an LL.B. from Osgoode Hall Law School in 1975. Since she was called to the Ontario Bar in 1977, she has practised law, concentrating mainly on litigation and labour relations. In 1980, she joined the faculty of Osgoode Hall Law School where she taught until 1984. Since 1981, Ms. Knopf has worked as a fact finder, mediator, and arbitrator.

Vice-Chair: *David Hayes, B.A. (McMaster University), M.Ed. (University of Toronto)*

Mr. Hayes is a retired educator. He served as supervisory officer with the Lincoln County Board of Education, both as a superintendent of curriculum and as an area superintendent. During his years of service, Mr. Hayes developed and implemented a complete evaluation system for all teaching and supervisory personnel, as well as special programs for assisting general level students and reducing the dropout rate among secondary school students. Mr. Hayes also developed a complete curriculum design, implementation, and review program for all Kindergarten to Grade 13 programs and a co-operative professional development program for teachers.

Commissioner: *Trèva Legault Cousineau, B.Sc. (H.Ed.) (University of Ottawa), R.P.Dt.*

Mrs. Cousineau was co-ordinator of French-Language Services for the Ministry of Community and Social Services, North Central Area, and a member of the Board of Governors of Cambrian College, Sudbury. She has served as chair and vice-chair of the Timmins District Roman Catholic School Board, member of the commission on the Financing of Elementary and Secondary Education in Ontario, chair of the Ontario School Trustees' Council, chair of l'Association française des conseils scolaires de l'Ontario, and member of the Ministry of Education's Committee on Special Education and Advisory Council on the Role of the Trustee.

She has also served as chair of the French-Language Education Advisory Group. In August 1990, Mrs. Cousineau was appointed Executive Director of the Conseil de l'éducation catholique pour les francophones de l'Ontario (CECFO); the objective of CECFO is to promote Catholic education for Ontario's francophone population.

Commissioner: *William John McNeil, B. Com. (University of Toronto)*

Mr. McNeil has had fifteen years of service as a teacher and vice-principal in North York and fifteen years as a field officer with the Ontario Secondary School Teachers' Federation (OSSTF). His past positions include president of District 13 of OSSTF, governor of the Ontario Teachers' Federation, advisory board member of the provincial executive of OSSTF, and trustee of the Ontario Teachers' Insurance Plan. He is currently enrolled in the master's degree program in industrial relations at the University of Toronto.

Commissioner: *John Irwin Zeiler, B.A. (University of Toronto), LL.B (University of Toronto)*

Mr. Zeiler is a partner in the law firm of Leve and Zeiler, which handles real estate and corporate, commercial, and estate work. He was the solicitor for the developer who registered the first condominium in Ontario. Mr. Zeiler has taught for the Ontario Real Estate Association, the Appraisal Institute of Canada, and, more recently, in the Department of Administrative Studies at York University, where he lectures in real property law and negotiations.

